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Heywood Broun *on* Obscene Language

# The Nation

Vol. CXXVI, No. 3281

FOUNDED 1865

Wednesday, May 23, 1928



Presidential Possibilities

D a w e s

*by*

*Oswald Garrison Villard*

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Lobbying in Washington

*by F. H. La Guardia*

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Japan's War in China

*an Editorial*

Fifteen Cents a Copy

Five Dollars a Year

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# The Nation

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**HOOVER REMAINS A BIG QUESTION MARK.** His defeat in the Indiana primaries, where, allied with the reform elements of the State, he fought the Watson machine, hurts him in the eyes of politicians. His lieutenants, it is understood, advised Hoover to leave Watson alone, but his own zeal forced the fight. We respect him for the decision; but defeat, even by so small a margin as 24,000 votes, hurts his campaign. Furthermore, Mr. Hoover himself does not seem to realize how weak he is as a reform candidate. One of the Washington dopesters refers to him as the "lily-white" chieftain, hero of the "purity" elements, and suggests that, fighting a Tammany graduate, he could take the reform-and-corruption issue away from the Democrats. But the voters may recall that Hoover sat in the Harding Cabinet along with Daugherty and Fall and Denby and Hays, and that, far from peeping in protest against them, he enlisted Will Hays in his own political organization. That, indeed, was one of Hoover's weaknesses in Indiana. It must have been difficult to persuade a cynical Hoosier that the Will Hays crowd, supporting Hoover, was much better than Jim Watson's outfit.

**MR. HOOVER ON THE WITNESS-STAND** displayed the same irritability which he has always shown in the face of public criticism; and it is a quality which canny

politicians fear. No man in American public life is so thin-skinned, and it takes a tough hide to weather a Presidential campaign. It was something of that same inability to grin-and-bear-it which cost Charles Evans Hughes the election in 1916—he could not forget past criticisms and shake hands cheerfully with Hiram Johnson. The other candidates this year were asked as searching questions, but, if they felt resentment, stomachached it. We doubt whether, in 1928, the revelation that Mr. Hoover's backers have spent a quarter of a million dollars in promoting his candidacy will disturb the public; it has been hardened to the spectacle of even more money being poured out in a mere one-State Senatorial primary. But there is one point at which we wish Mr. Hoover even thinner-skinned. Andrew Mellon's declaration that he "seems to come the closest to the standard that we set for this great office" was meant for praise by that Scotchman, and if Mr. Mellon goes a step further it will mean the nomination for Mr. Hoover. But if he really cares to remain the white knight of the reform element, crusading for purity in politics, Mr. Hoover should ask loudly "What do you mean—'we'?"

**JOHN D. ROCKEFELLER, JR.**, has done the decent thing in calling for the resignation of Robert W. Stewart as chairman of the board of the Standard Oil Company of Indiana. It was Mr. Stewart who told a Senate committee last February that he knew nothing of any bonds of the Continental Trading Company, but after the acquittal of Harry F. Sinclair admitted that he had received \$795,500 worth of such securities. On April 27, three days after the latter's testimony, Mr. Rockefeller wrote to Mr. Stewart:

Your recent testimony before the Senate committee leaves me no alternative other than to ask you to make good the promise you voluntarily gave me some weeks ago, that you would resign at my request. That request I now make.

Mr. Stewart made no move to comply with the request, so on May 10 Mr. Rockefeller made his correspondence public, indicating his intention to try to force Mr. Stewart out should that course become necessary. Certainly Mr. Stewart has no place in the conduct of a company which hopes for the confidence or respect of the community.

**A BRAVE, CLEAN-CUT NEWSPAPER CAMPAIGN** was that waged by the *New York World* in behalf of David Gordon, the eighteen-year-old boy who wrote a poem denouncing America and was sentenced to three years in jail for doing so. Ostensibly the prosecution was on the ground of obscenity, but the fact that the two witnesses against Gordon were paid agents, one of the Military Order of the World War and the other of the Key Men of America, made it plain that the real animus was against his radicalism. It was a hard case to fight, because Gordon's "poem" was such a sophomoric expression and so obviously transcended the bounds of good taste. But three years in prison for offending good taste! Heywood Brown, we believe, was first to point out the indecency of the judges'



attitude, but the *World*, news and editorial staffs together, took off the gloves and fought. On April 24 appeared an editorial, Dubious Justice, citing the violent remarks of the judges. A news campaign followed; on April 28 the *World* gave its lead position to the editorial, A Boy of Eighteen, which is said to have moved the hearts of the Parole Commissioners. "It is too early to write down young Gordon as a hopeless case," the *World* said. "He wrote a foolish, dirty poem. He is not the first young man who has had foolish ideas, nor the first who made dirty remarks. There may be some hope for him." There is some hope for him. On May 10 the Parole Board decided that thirty-five days in jail was enough for Gordon, and he will be permitted to resume his studies as Zona Gale Scholar at the University of Wisconsin. The *World* deserves the credit for his freedom.

IT IS NOT OFTEN that a newspaper campaign wins so clean-cut a victory. Boyd Gurley, editor of the Indianapolis *Times*, one of the Scripps-Howard papers, for four years has been fighting the gang which, with the Ku Klux Klan, controls the Republican machine in Indiana, and, through the party, has controlled the State. The defeat of Hoover by the Watson machine left the *Times* discouraged. "On the Republican side of the fence," it said on the morning after the election, "there is only the feeling that Indiana is corrupt and contented." Yet the *Times* had a right to be more cheerful. A small group of newspapers in Indiana has, for four years, stood out against an entrenched machine with a vigor and resourcefulness hardly matched elsewhere in the United States. The committee of award did well to give a Pulitzer prize for 1928 to the Indianapolis *Times* for the most "disinterested and meritorious public service rendered by an American newspaper during the year." Indiana is less corrupt and contented today than she was four years ago. Gurley and the *Times* will win yet—perhaps under a standard-bearer who did not sit silent in the Harding Cabinet.

HEYWOOD BROWN joined the New York *Telegram* ten days after being unceremoniously dropped from the New York *World*. The *Telegram*, which, like the Indianapolis *Times*, is a Scripps-Howard paper, will not object or cry disloyalty if Mr. Brown disagrees with it. It "recognizes that there may be frequent occasions in which it will entertain editorial opinions at variance with those of this writer," but it believes that Mr. Brown and his friends are "entitled to consideration." Mr. Brown expresses himself as happy. Here, he says, he has a spot where he can daily "lift up my voice without being bothered by the fear that perhaps I am not precisely in tune with the rest of the choir. I never did like part singing." We congratulate him and the *Telegram*; and we expect that they will usually find themselves singing in harmony with each other, and even with *The Nation*.

FORD HALL FORUM is one of the institutions which have made Boston great. Twenty years ago its founder, George W. Coleman, inspired by a Cooper Union meeting in New York, conceived the idea, and year after year, Sunday after Sunday, the lines have formed behind the State House, the thousand seats have been filled, and the rear packed with standees. Last year an average of 264 persons stood up each Sunday night. Mexicans denounced

the church, Catholics denounced Mexico; Democrats, Socialists, black Republicans, even Communists, had an equal chance; the crowd began by singing its own democratic hymns and concluded by pestering speakers with barrages of questions—but always with a tolerant good-fellowship. Coleman boasts that not once in twenty years has he used a gavel, and no heckler has ever been thrown out of Ford Hall. It has been, in fact, what he called it, "a common meeting-ground for all the people in the interest of truth and mutual understanding." Visitors went away inspired with the Ford Hall idea, and more than 500 forums scattered from coast to coast are proud to call themselves its children. But all the time the Boston Baptist Social Union, founded by the evangelical Daniel S. Ford, long owner of the *Youth's Companion*, stood behind Ford Hall's forums with free rent and an annual subsidy of \$5,000. Now a little group of intolerants has persuaded the Union to cut off the subsidy. Ford Hall will not suffer; its followers will be glad to pay admission where admission was free. But Boston gets another black eye, and those who doubt the essentially Christian character of organized Christian churches have been presented with another easy argument.

IN NEW JERSEY, on the other hand, the Court of Errors and Appeals, highest court in the State, has issued an opinion in the case of Roger Baldwin which goes far to restore faith in the courts. Roger Baldwin, director of the American Civil Liberties Union, went to Paterson on October 6 to speak at a protest meeting of silk strikers in Turn Hall. The police refused to permit the meeting there, and Baldwin and others sought to make their protest from the steps of the City Hall. The police arrested them, and placed against them a charge of unlawful assembly, asserting that they "did unlawfully, riotously, and tumultuously make and utter great and loud noises and threatenings." They were convicted on this absurd charge, and two higher courts sustained the conviction. But the highest court, in an opinion of rare dignity and sanity, recited the safeguards of civil liberties from Magna Charta through the federal and Jersey State constitutions to English common law, and concluded that these constitutional mandates "must be given the most liberal and comprehensive construction." The court declared:

In order to constitute the offense of unlawful assembly it must appear that there was a common intent of the persons assembled to attain a purpose, whether lawful or unlawful, by the commission of such acts of intimidation and disorder which are likely to produce danger to the tranquillity and peace of the neighborhood and have a natural tendency to inspire rational, firm, and courageous persons in the neighborhood with well-grounded fear of serious breaches of the public peace.

Of course, there was no evidence of anything of the sort in Paterson. "From the record before us," the court said, "we find nothing in the statement of facts contained therein to have warranted the finding by the trial judge that the accused were guilty of the offense of unlawful assembly. Judgment is reversed." That smashing verdict should go far to establish respect for the Constitution in New Jersey—and elsewhere.

BRAZIL HAS REJECTED the overtures of the League of Nations which invited her to come back into the fold. Argentina, since the election as President of Dr. Irigoyen,



who took her out of the League seven years ago, is little likely to return in the immediate future. Ecuador and Costa Rica likewise remain aloof. Mexico has never been invited. Those who have seen in the League of Nations a bulwark against Yankee aggression, seized as a sort of life-buoy by ardent Latin Americans, can find little support in these facts. Mr. Hughes was right when, the other day, he stressed the lack of unity in Latin America. The League has had a Latin-American policy; but Latin America cannot be said to have had a League policy. Mexico, oddly enough, is out of the League because the League was born under the wings of Wilson and Wilson was at that time at odds with Mexico; Ecuador, for reasons of her own, never ratified the Treaty of Versailles; Costa Rica frankly finds the League too expensive for a tiny Central-American republic; Brazil departed because she was not granted a permanent seat on the Council, but it may be suspected that her statesmen think continued abstention not displeasing to Washington; and Argentina still maintains that the League is not good enough until it recognizes all nations, great and small, as equally entitled to places on the Council, and accepts compulsory arbitration. Chile, like Cuba, is proud that one of her citizens has been elected president of the Assembly, but when Peru and Bolivia proposed League arbitration of her Tacna-Arica dispute, Chile insisted upon Yankee arbiters.

**THE WORLD-WIDE PROTESTS** on behalf of Baron Ludwig von Hatvany have been only half successful. His sentence, which had originally included a prison term of seven years and a fine of \$100,000, has been changed by the Hungarian Court of Appeals to one of five years' imprisonment and a fine of \$30,000. It remains, obviously, a savage sentence. As Emil Lengyel pointed out in *The Nation* of February 29: "The heads of the present political regime in Budapest hate Hatvany almost as much as they do Karolyi—because in spite of his great wealth he became a radical and a pacifist." Even the appeals of Heinrich Mann, Emil Ludwig, Max Reinhardt, and many other liberals could not change this feeling of the government, although the atrocities of the White Terror which Baron Hatvany attacked in several magazine articles—and for these attacks, ostensibly, he was sent to prison—have been confirmed.

**IT REMAINED FOR RABBI JACOB KATZ** of the Montefiore Synagogue in New York to do what almost nobody had ever done—make the sermon page in a Monday newspaper interesting. Rabbi Katz preached about immigration, and was against it; and that was no new thing. But his reason was delightfully new. Too many immigrants, he said, are becoming American—that is to say, "taking as models of American life those who figure in the higher circle of the government and figure high in graft. . . . Any one living midst the foreign element knows the connotation when the foreigner says 'This is America'; by that he implies 'Get all you can as long as you can get away with it.' . . . Sewers, oil reserves, street cleaning, census, Chicago: what a spectacle of American life!" It is to protect the European, then, that Rabbi Katz would keep him out; and incidentally it is to protect the United States that he would prevent it from becoming any more like itself than it is now. All of which is perhaps not altogether, or at all, a jest from the pulpit. Here is a preacher with the gift of irony. We wish there were more.

## Literary Prizes

**T**HERE is much to be said for the theory that there should be no literary prizes. They have long since become a matter for jest or condescension in France, and in the United States they have been subjected to very warm criticism—the hottest gesture being that which Sinclair Lewis made in the face of the Pulitzer committee by refusing the honor it had voted "Arrowsmith." But the prizes do multiply and get an increasing amount of attention from the press each year. Perhaps the end will come when unworthy recipients of prizes—and that there are such is to be expected in an imperfect world—decline the awards, bowing deferentially as they do so to their known superiors in poetry, fiction, biography, or the drama. This, of course, was not the significance of Mr. Lewis's gesture. He simply objected to prizes; and, incidentally, he was offended at the thought that he had written a book which could incur the charge of "best representing the wholesome atmosphere of American life and the highest standard of American manners and manhood."

This absurd wording, which we suppose everybody now disregards, applies with the scantest of accuracy to the novel which received the prize this year, Thornton Wilder's "The Bridge of San Luis Rey," a novel for one thing with a Peruvian scene and for another thing with a thesis hardly conducive to the belief that the world is administered in the interests of God's better people. The wording of the dramatic award—"for the original American play which shall best represent the educational value and power of the stage in raising the standard of good morals, good taste, and good manners"—is even more absurd when applied to Eugene O'Neill's "Strange Interlude," certainly not a play of taste, though it is one of power, and certainly not a play of cheerful morals, though it is as grimly and profoundly moral as anything Mr. O'Neill ever wrote. Nor, for that matter, is Edwin Arlington Robinson's "Tristram" anything but a tale of glorified adultery—though it must be said that Joseph Pulitzer did not bother to demand of the prize poem that it conduce to anything.

If we disregard this phase of the whole Pulitzer matter, we must express general satisfaction with the awards of the present year. "Strange Interlude" is quite definitely the best play of 1927. "The Bridge of San Luis Rey," in spite of "Blue Voyage," "Death Comes for the Archbishop," and "The Grandmothers," would not be seriously questioned by many readers of the four. "Tristram" had at least no prominently close rivals during the year. As for V. L. Parrington's "Maid Currents in American Thought," which received the prize in American history, there was "The Rise of American Civilization," by Charles and Mary Beard, to consider; but the claims were close to equal there, and *The Nation* has cause to know that Mr. Beard, who reviewed Mr. Parrington's book for its pages, had the utmost enthusiasm for it as pioneer intellectual work in a field otherwise distressingly slighted. The prize in biography went to Charles Edward Russell for his life of Theodore Thomas. In view of Paxton Hibben's "Beecher," Mary Best's "Thomas Paine," and Lloyd Morris's "Hawthorne" this was a debatable choice. But that is the best thing about prizes—they are debatable. And the worst awards provide the most scope for newspaper comment.

## Japan's War in China

**J**APAN'S military party has won, and the Japanese are back in control of China's sacred province of Shantung. A state of virtual war has existed for a week about the capital, Tsinanfu, and as a result 3,000 Chinese and 50 Japanese are dead, and the Japanese hold the city. They have also taken over the entire Shantung Railway, built by the Germans and Japanized during the World War, but returned to China in 1922. Thirty thousand Japanese troops are already in Shantung, 14,000 of them at Tsinanfu, 245 miles inland.

The Japanese general, clearly, acted as military men often do—brusquely and imperiously, overriding the civilian consul-general and issuing short-term ultimatums. Who fired first in the fatal melee no one seems to know. But the essential point is that Chinese resentment of the presence of Japanese forces in the heart of China expressed itself in open rifle fire. That fact has tremendous significance. Never, since Boxer days, have the Chinese been so bold. The story of the passionate boycott after the Treaty of Versailles confirmed Japanese control of this same province of Shantung is still fresh in Japanese and Chinese memory. Men threw their Japanese hats into bonfires. Mobs invaded stores which dared sell Japanese goods. Japanese ships were not allowed to land their cargoes. A student deliberately broke his finger to sign an anti-Japanese protest in blood. But in 1918 no Chinese troops would have stood for five minutes against Japanese.

Some Japanese circles realize the danger. To any one who knows the ease with which, in the past, the Japanese government has controlled the press and inflamed the population, it is amazing that certain Tokio dailies are still protesting against the unrestrained course of the soldiers in Shantung. Evidently there are powerful commercial groups in Japan which foresee and fear the inevitable loss of trade. It is even possible that the military men have defied civilian orders—it would not be the first time in Japanese history if they did. And if, after such an outbreak, calm civilian opinion should get the better of the jingoes and force a peaceful settlement, that event in itself would be epoch-making in the East. It would mean that the feudal regime in Japan was really dead, and that the new bourgeoisie had come into its own. It would open new vistas of democratic development for all Asia.

Those vistas, however, are not yet open. The present fact is that the Japanese are mopping up in Shantung. General Fukuda at Tsinanfu has forced all Chinese troops to withdraw at least twenty *li* from the city; other Japanese commanders are seizing and disarming Nationalist troops wherever they meet them. Chiang Kai-shek's drive upon North China has been checked, and Japan has taken back what she restored in 1922.

In 1897, in the days of the "Battle for Concessions," two German missionaries were killed in Shantung, the "sacred province" of China, where Confucius was born. Germany saw her chance, and took it. She seized the port of Tsingtao and forced China to grant a ninety-nine year lease for it, as well as other preferential rights, in Shantung. When Japan entered the World War in August, 1914, she immediately set out to eject the Germans from Shan-

tung, at the same time announcing that she intended to restore the leased territory to China. Possession, however, seemed to change her mind. The Twenty-one Demands of 1915 included an express transfer to Japan of all German rights, and even of privileges not enjoyed by the Germans. China, on entering the war, declared all her conventions with Germany abrogated, and at the Peace Conference took the position that this abrogation left no German rights to be transferred to Japan. But Japan was in possession; and secret treaties bound England and France to support her.

Anti-Japanese feeling ran high in those days. In the end Chinese economic pressure—plus the attitude of Britain and America—led Japan, after the Washington Conference, to withdraw her troops and return to China political control of Shantung. She retained, however, the German mines and property rights which she had seized, and she handed over the railroad only after prolonged negotiations. If Japan complains today that China is two years in arrears on the interest due on the railway notes, it is pertinent to recall that at Washington the Chinese representatives offered to float an internal loan and pay for the railway at once. Japan refused; she wanted, she said, to retain an interest in the railway for some years. The Chinese have a right to suspicion.

Presumably Japan is not playing for Shantung alone. Through her ownership of the South Manchuria Railway she virtually controls the three provinces of Manchuria. Chang Tso-lin, chief of the Peking, or Northern, Government, is also war-lord of Manchuria, and has played ball with the Japanese for many years. When, in December, 1925, a revolt threatened to overthrow Chang, it was Japanese intervention—although they denied it at the time—which decided the issue in his favor, and he later publicly thanked the Japanese for their aid. Again last summer Japan's sudden thrust of troops across Shantung protected the retreating Northerners and broke the force of the Nationalist attack.

To say that Japan's shipment of 14,000 troops 250 miles inland is mere "protection of foreign lives and property" is absurd. The Japanese have been attentive observers of recent events in China, and they must have known how such an act would affect the Chinese. They have no treaty rights in Tsinanfu. There is no "leased territory" there. But the Japanese commander arbitrarily outlined a zone into which he forbade Chinese troops to penetrate, and proceeded to fortify it. England cannot protest, because of the precedent of her own illegal course at Shanghai; and indignant Americans must admit that there is a certain parallel between this policy and our own in Nicaragua.

Nicaragua, however, has half a million people, and China four hundred millions. Ethically, we are not on a very different footing from the Japanese; but the possible consequences to the peace of the world are roughly proportionate to the population. Apparently both Japanese and Chinese are hesitating, appalled by their own foolhardiness. But the tide of battle is rolling on toward Tientsin, another great center of foreign population, defended by foreign troops; and in China today North and South, gun in hand, unite in resenting these cancers in the body of China.



## Shall Police Torture Go?

**A** STONE may have been set rolling by lawyers in New York City which will modify or end the police inquisitions that have become an established procedure in dealing with crime in the United States. Due partly to a lack of detective skill in our police departments and partly to what may be too great safeguards extended to accused persons in our criminal courts, American police in many cases have come to rely upon confessions obtained by frightening, beating, and torturing suspected persons. Although illegal and criminal this use of the "third degree," or, in more recent slang, giving a prisoner "the works," has come to be winked at by judges and the public.

In *Harper's Magazine* of last October the editor of *The Nation* gave numerous well-authenticated instances of outrageous brutality in the effort to extort confessions and called for adherence to law on the part of public officials as the most important step toward checking crime. In response to this a committee of the Association of the Bar of the City of New York has just made a report in which a definite position is taken against the "third degree" and a tentative suggestion is made for a change in criminal procedure which would aid prosecution without the need of resorting to illegal and brutal methods.

Almost simultaneously, too, with the report mentioned came a decision by the Court of Appeals of New York State in which a conviction for murder was overthrown because it had been the result of a confession extorted through the "third degree." Another trial was ordered for Robert Weiner—arrested for assisting in an attempted escape from the Tombs Prison, in which a warden was killed—because, the court says, there was no shred of evidence except a confession extorted by illegal "assaults and threats."

The committee of the Association of the Bar recommends a study of the "third degree" by the New York Crime Commission, saying:

Our present law regarding the admission of confessions provides inducement for endeavoring to procure confessions by any means which cannot subsequently be proved unlawful. That the opportunity so afforded has in many cases been made use of for illegal purposes cannot be doubted, in view of the many admonitions from the Court of Appeals warning of the danger of departure from the procedure prescribed by statute.

The report stresses the fact that unless, as Judge Selden once put it, confessions proceed "from the spontaneous suggestion of the party's own mind, free from the influence of any extraneous disturbing cause," they are not only unfair to the accused person but they are unreliable as evidence. It also reminds us that the Court of Appeals of New York State, speaking through Judge Andrews, has said: "If we are satisfied that confessions have been improperly obtained, we should not hesitate to reverse even if the guilt of the accused otherwise seems clear."

The committee thinks that the "third degree" has become possible largely because of failure to respect the fundamental legal provision that a person shall be arraigned as promptly as possible after arrest. Prisoners, it says, arrested at any hour of day or night should be taken before a magistrate at once, and to facilitate this procedure it recommends a single central magistrate's court.

But the lawyers who sign this report, including former public prosecutors like Emory R. Buckner, William Travers Jerome, and Charles S. Whitman, though they wish to do away with the "third degree," would like to strengthen by legal means the opportunity to convict guilty persons.

We have no doubt [they say] that the adoption of any of the foregoing suggested remedies might considerably diminish the number of those voluntary confessions that are now properly obtained and to that extent hamper the effective administration of the law. If that be so, the situation calls for serious consideration of another phase of the problem.

For many years there has been a widespread feeling that the guaranty against self-incrimination was being unwarrantably used for the obstruction of justice. There are many serious students of present criminal conditions who believe that a departure is required from our fundamental provision against compulsory self-incrimination and that the constitution should be so amended as to permit the arraignment of an accused before a magistrate who may compel him to answer questions concerning the offense with which he is charged, regardless of whether such questions incriminate him or not.

Coming from the source which it does, this suggestion is entitled to the most serious consideration. It conforms to the practice in various parts of Europe and appeals to a large body of both lay and legal opinion in this country as logical and just. We hope the Association of the Bar of the City of New York will undertake a fighting campaign to substitute this for the revolting "third degree."

## The Straphangers' Plight

**B**Y its ruling in the five-cent-fare controversy in the city of New York the Federal Statutory Court has not only plunged full-speed through a legal twilight zone where other experts have felt their way with many a halt and questioning, but it has entered a domain which in a properly organized democracy belongs to the legislative and not the judicial branch of the government. If the United States Supreme Court sustains the decision written by Judge Martin T. Manton and concurred in by District Judges John C. Knox and William Bondy, it will affect in a revolutionary way every rate-making body in the country. It will bind such bodies to a new economic doctrine and carry a long way further the method by which we have come to allow a few men in black robes to settle for us offhand political questions which ought to be resolved by the people through a gradual process of experiment and discussion.

The court does not fix permanently the fare to be charged. That is left for determination through a later action. But the court enjoins the city from trying to prevent the Interborough Rapid Transit Company from collecting seven instead of five cents on its subway and elevated lines pending the result of the trial, on the ground that a contract between the city and the company—which previously everybody had supposed to be as inviolable as the Ten Commandments—is, in fact, only another "scrap of paper."

In the reasoning by which the court justifies its action we feel that the chain grows weaker with each successive link—and there are five links. The first link is that a contract between the city and the transit company in 1913, providing for a fare of five cents and not more, was con-



ditioned and modified by an act of the State Legislature in 1907 setting up a Public Service Commission with authority to regulate rates. This is a legal point upon which a court is the proper body to pass. The decision handed down may or may not be good law; apparently the ruling is based largely on the wording of the specific contract. The second link is that under the law the Public Service Commission was not only authorized but obligated to rescue the transit company from what the latter regarded as an unprofitable financial arrangement. This dictum would not depend upon a specific contract but would apply to rate-fixing bodies everywhere. It is of importance only in connection with the third link, which is that, due to the failure of the commission to act, it becomes the duty of the court to intervene with action of its own. This is a difficult and dangerous assumption which, if sustained by the United States Supreme Court, will virtually overthrow every rate-making body in the country, making it possible constantly to obstruct and revise their judgments by appeals to the bench. As a rule the courts do not interfere with the acts of an administrative officer or body except where gross malfeasance or bad faith is chargeable. This was not true of the New York Public Service Commission. In any event the commission did not err in lack of tenderness for the interests of the company. If it was faithless, it was toward the traveling public—in failing to demand, for instance, that enough cars be run to provide passengers with seats at least in non-rush hours. And the public will recall with a sense of irony and resentment that no court ever intervened to enforce rights in its behalf which the Public Service Commission failed to maintain.

But the last two links in the chain are weaker still. Having determined its right to intervene, the court decides that the company is entitled to a return on the replacement value of its property and, finally, it appears to rule that the return should be 8 per cent. Neither of these issues is a legal one properly referable to a court. Both have been under discussion for years by economists, politicians, and the public at large without the crystallization of any common opinion. If any policy is laid down, it should be done by a legislature which does not thereby establish an unchangeable precedent. We believe, too, that the award of an 8 per cent profit to the traction company is entirely out of line with existing conditions. While it may be granted that 8 per cent is not too high a return for one taking a business risk, the fact is that by the court's decision such a risk is practically eliminated for the company. Its profits are virtually guaranteed regardless of its management. And guaranteed investments do not pay 8 per cent. In New York City guaranteed mortgages sell for 5½ per cent, while the straphangers who support the subway and elevated lines are mostly persons who, on their tiny nest eggs, receive from the savings banks a maximum of 4½ per cent.

Finally we can see no such emergency confronting the company as to warrant an injunction permitting it to collect a seven-cent fare pending the suit for a new rate. The provisions for returning the extra sum to travelers in case the company loses its case are obviously unworkable. We commend to straphangers the advice of Representative La Guardia, a member of the House Judiciary Committee. As the injunction is against the city, not against individual passengers, Mr. La Guardia suggests that each traveler refuse to pay more than five cents and compel the company to prosecute him if it will—or can.

## The Blacklist Party

**T**HE NATION gave a party on May 9. To it were invited all persons whose names had been included in the D. A. R. blacklist, in the list of "radical" individuals and organizations prepared by the Key Men of America, or in any similar honor roll. The Blacklist Party was held at the Level Club in New York City, and almost 800 persons claimed the right of admission. The program was made up of speeches and stunts performed by Heywood Brown, Arthur Garfield Hays, Groucho Marx, William Pickens, James N. Rosenberg, Ruth Hale, James Weldon Johnson, MacAlister Coleman, Norman Thomas, Art Young, and others whose talents sprang spontaneously from the rich soil of "sedition." The party was particularly honored in the presence of Mrs. Helen Tufts Bailie, the Massachusetts member of the D. A. R. whose protest against the blacklist precipitated the recent controversy, and Mrs. Josepha Whitney, who led a number of New Haven members in resigning from the organization. Various prominent blacklisted individuals sent messages of congratulation and regret. We print below a few excerpts from the more interesting among them.

### CLARENCE DARROW

You know, when I was young, I had no chance to get an education on account of having chosen poor parents who could not afford to spare the money. For that reason I was obliged to pick it up as I went along, with the help of my father, who was really a good scholar. Not having graduated anywhere at any time, I am especially proud of being included by the D. A. R. on their blacklist. The truth is, this is the first degree I ever had and I am very proud of it.

There is one thing about it, however, that makes me sad, and which at the same time administers to my pride of opinion: All my life I have been hearing people talk about progress. They talk about it with the cocksureness that some others talk of heaven. I always insisted that there was no such thing. The action of the noble dames convinces me that I am right, even if I hadn't known it before. Their ancestors were all of them rebels. The respectable people, like bankers, clergymen, lawyers, and judges, were on the other side; many of them fled to New Brunswick and other Canadian points to save their lives from the rebels, composed of the poor and the lawless who made up the Continental army.

My ancestors were also in this war, and outside of sex and my lack of conventional ideals, I would be eligible to membership in the organization even to the extent of a royal dame. I know that these people were not respectable; they were fighting existing ideas and vested wrong, and they not only took their lives but their reputations in their hands. They were cursed by the smug and respectable of that day, and now they are worshiped by the remote progeny which they have left behind; and this progeny, to show that it is conventional and respectable, is engaged in the old-time business of denouncing others who still think that this foolish world needs mending.

### SENATOR WILLIAM E. BORAH

I have your note under date of May 3 stating that some days ago you sent me an invitation to your Blacklist Party. I did not receive the invitation. But I do not suppose it would be possible for me to attend in view of the great amount of work we have before us in the closing days of the session.

I noticed my name among the blacklist and I would naturally, therefore, be expected to be among them. But it is not my

disposition to rejoice over honors and exceptional distinctions which sometimes come to us. However much we may feel indebted to these people, we ought to be modest in our recognition of these blessings which steal upon us.

#### ISABELLE KENDIG

Some hundred and fifty years ago when a now famous and honored conspiracy was being hatched, my great-grandfather, Benjamin Franklin, remarked: "If we don't hang together, we will certainly hang separately." His advice is still good. Count me with you to the full in whatever program you adopt. I'd rather be a live radical on the blacklist than, in the D. A. R., merely a worshiper of dead ones!

#### VICTOR L. BERGER

As far as I am concerned, I believe that the Daughters of the American Revolution are inconsistent, since it must be clear to everybody that I have tried to become a revolutionary sire myself. I have striven to start a revolution against the present system and replace it with something more sensible and humane. There is this difference, however. Their ancestors tried a violent revolution, while I prefer peaceable and legal means. But even at that the Daughters are not nearly as bad as Judge Landis, who not only put me on his war patriotic list but dictated a twenty-year penitentiary sentence to boot. This sentence I have always considered my *croix de guerre* and any blacklisting can simply add a ribbon or another decoration. The only possible objection I may have to the latest roll of honor is that I find myself in the company of a considerable number of war patriots and other hundred-percenters but, as they have seen the light, here is my outstretched hand, and I say "welcome" to one and all of them. May our tribe increase and we all become revolutionary sires!

#### WILLIAM ALLEN WHITE

Unworthy though I am to stand before the kings and queens of courage in the true American aristocracy, yet because some fumbling fool has placed me there I none the less appreciate the great fortune I have had in this distinction. Some people have all the luck. I am one. If a good name is rather to be chosen than great riches, a place on the D. A. R. blacklist is better than a license to steal in a mint, or to have a hand in the Continental Trading Company's jackpot. I am sorry that I cannot be with you at the dinner tonight, however unworthy I may be to sit there. But I have noticed that what you grab you get, and what you keep is all to the good, so I shall grab and keep this distinction as among my most precious laurels.

#### CLARENCE R. SKINNER

*The Community Church, Boston, Mass.*

I should gladly attend the meeting of the criminals listed by the Daughters of the American Reaction, but I cannot—for on that night I am billed to plant bombs under one Governor, two Senators, six Congressmen, eight churches, eleven banks, and one Social Order. My duty must come first, so please accept my best wishes for a bloody and murderous party.

#### LEWIS AND CLARK CHAPTER, D. A. R.

Greetings from true daughters of revolutionary ancestors. (This chapter at Eugene, Oregon, recently protested against the blacklist policy of the organization after an effort had been made to induce the Eugene Daughters to prevent a meeting at which Kirby Page was to speak on peace.)

#### JAMES P. WARBASSE

Forty years ago, my mother was a member of the Daughters of the American Revolution. If she were living today, she would not be a member. Thirty-five years ago, I was a member of the Society of the Sons of the Revolution. I resigned

when I saw that the membership was composed largely of reactionary snobs, every man-jack of whom was thrown into a fit of gooseflesh at the thought of revolution.

I am glad to know that the Daughters do not like me. They naturally should not. I do not like revolution. Everything that revolves presently comes around where it started. The Daughters and their kind breed revolution. They are pushing this country toward revolution faster than all the terrible Reds together.

#### THE LIBERAL CLUB, Harvard University

We long to be with you at the great Blacklist Party, and we are sorry to remain away compelled by distance and the spider's web of divisional examinations. Some of us may yet succeed in joining the celebration. Congratulations to the organizing energy of *The Nation*! We were delighted to see our name on the D. A. R. Honor Roll—saddened only over the fact that the Radcliffe Liberal Club there listed has not even yet come into existence though thus prenationally honored.

Would you perhaps be kind enough to send us a copy of the constitution and by-laws of the Blacklist Party? May it be confederated, permanent, and strong!

Letters of indorsement or of friendly appreciation were also received from President Woolley of Mt. Holyoke College, David Starr Jordan, Senator Lynn J. Frazier, Inez Haynes Irwin, Rosika Schwimmer, James H. Maurer, Irving Fisher, Fannie Hurst, Edward A. Ross, Carl Haessler, Edward Mead Earle, Major Walter M. Ireland, Richard Hogue, Samuel Guy Inman, John A. Fitch, Benjamin Marsh, Dr. Alice Hamilton, David K. Niles (Ford Hall Forum, Boston, Mass.), Max S. Hayes, Guy Emery Shipley (editor, the *Churchman*), Frederick J. Libby, Joseph Jastrow, David Pinski, Julia C. Lathrop, Helen Arthur, Arthur B. Spingarn, Gertrude L. Winslow, Mary Anderson, Emil E. Holmes (Commander Hospital Post 303, American Legion), Edward T. Devine, Robert Whitaker, Lola Maverick Lloyd, Ellen Hayes, Lew Head, Arthur M. Schlesinger, and others.

Mrs. Alfred J. Brosseau, president general of the Daughters of the American Revolution, although invited, did not attend *The Nation's* Blacklist Party. She was otherwise engaged. While the assembled blacklist was amusing itself at the expense of the D. A. R. in New York City, the president of that society was being presented to the British King and Queen at Buckingham Palace! As the New York *Times* reported the occasion:

"It was all a very delightful experience for an American, very delightful," beamed Mrs. Brosseau, after she had curtsied low before King George and Queen Mary tonight. . . .

"I went in early," said Mrs. Brosseau, with a slight touch of triumph, "and I was in the Throne Room from the very beginning of the ceremony. It was the first time I had ever been inside the palace. All I can say in describing it is that it was very ceremonious, in fact, I would call it dignified and wonderful."

The D. A. R. head wore a blue brocade gown with soft iridescent flower figures of pale gold and pale rose embroidered with pearls. The presentation ceremony over, she will spend the rest of the week in London attending a luncheon meeting of the D. A. R. board Friday.

Are we to understand that the Daughters of the American Revolution have moved their headquarters to London? If our Blacklist Party did not succeed in making the antics of the Daughters ridiculous, Mrs. Brosseau, obviously, intends to do it for us.



## It Seems to Heywood Broun

**A**N eighteen-year-old boy was recently sentenced to three years in prison because he wrote an "obscene" poem. He has since been released by the parole board and so there will be no general discussion of the case in this article. But one point does stick in my crop and I would like to speculate about it. The man who brought the accusation later justified the conviction by pointing out in a letter that the culprit had indeed been fearfully obscene. The righteous man stated, and his letter was duly printed in the *New York World*, that the prisoner had likened this country "to a 'bawdy house,' only using the more obscene word."

Lest anybody begin to tremble let me state right here that I have no intention of using the more obscene word in these columns, or any other terrifying phrase for that matter. But I do want to speculate a little on the curious criminality which descends upon certain words and passes by others which are precise synonyms. For instance, the high-minded citizen who wrote to the *World* used a phrase meaning exactly the same thing as that employed by the boy who went to jail, but the righteous man will not be indicted for obscenity. As it happens he chose his word a shade more carefully and picked for his qualifier an expression which has grown a trifle archaic, or at least a little literary. One may still find in theatrical reviews the expression "a bawdy farce." Not, of course, that the fatal word employed by the unfortunate poet was in any sense a new one. Often it is used in the Bible, and particularly in connection with Babylon. However, it has survived as a part of common speech and in that lies the crime.

This is puzzling to me. If one uses such dirty words as happen to be casual and common then he is obscene and subject to the punishments prescribed by law, but artful folk who can think up fancy names escape scot-free. I deny that this is fair. The man who has mulled over his phrases and polished them seems to me by a great margin more obscene, since he has evidently taken delight in the creation of his metaphors and hopes to arouse a lewd thrill of recognition upon the part of his readers.

Once upon a time, a good many years ago, I was employed by a high-minded morning newspaper which undertook a campaign against the immoralities of the great city. In particular the staff was set to weeding out commercialized vice. Unfortunately the principles of the chief owner were so lofty that he objected to evil words as well as evil deeds and the reporters assigned to the crusade were reduced to great difficulties. On the one hand it was their task to point out that conditions in New York were extremely horrid, but in the telling they must take care never to hit upon a single word which could give offense. Even such a sedate noun as "harlot" was absolutely under the ban. But at last the chief of the journalistic investigators hit upon a scheme which worked out satisfactorily. He had to make several words do the work of one and it was finally decided that each wicked woman whom we were trying to drive off the streets and out of the dens of New York was "a member of the scarlet army."

The men who framed the headlines fumed at this form and it did seem a little silly whenever it became necessary

to report that "Jane Doe, who said she was an actress, was sent to the workhouse yesterday for thirty days after being convicted as a member of the scarlet army." Indeed it seemed to me that although the honor of the editor was satisfied and his squeamishness in no way offended, a certain fundamental moral precept had been gravely neglected. There is, or should be, a proverb running: "Never give a bad dog a good name." The people against whom the paper was proceeding were in all truth vicious, cruel, and evil, and by our prudishness we gave them glamor. Membership in the scarlet army sounds like a most romantic affiliation.

It would not be difficult to point out that in all the history of world literature it is the prettifiers who have given the greatest aid and comfort to the enemy. With an endowment for research behind me I would undertake to prove that the periods of greatest verbal frankness do not correspond to the ages of the greatest licentiousness. People prissy about their language are in very many cases far less careful of their morals. The old-style Puritan could sling a mean phrase with the best of them and took no shame whatsoever in using carnal words when he felt that he was crusading against the evil-doer.

For all his faults, the Puritan, old style, was not the direct ancestor of the Comstocks and the Sumners. Indeed I feel that he survives much more clearly in Eugene O'Neill in spite of the acclaim which that great dramatist has received from the liberal and radical elements. O'Neill seems to me more nearly Miltonian than any other living author. And this I cite not quite as praise but merely as one of the reasons why my enthusiasm for the Pulitzer prize-winner is a little less than that which generally prevails. I like my drama less dour by several degrees and many acts.

Accordingly, I may seem to strive upon both sides of the problem which I have stated. It is my theory that high jinks persist best in communities where language is largely inhibited. Free, full, and frank expression generally leads to oppressive laws limiting personal liberty. I am willing to take my chances. When words are held in chains I am not free. The silliness of assuming that certain phrases have in them a peculiar power for evil harks back to those old days in which men believed that there were verbal formulae by which mortals might raise the devil. It isn't as easy as all that.

One gentleman of my acquaintance was treated by a psychiatrist who tried to remove from the patient a feeling of inferiority. It was the doctor's theory that my friend, like so many of us, had suffered from an early training which was far too strict. The sick man could not face life and quailed before ugly and erotic phrases. And so within a sound-proof room the healer and the cripple sat for many mornings while the patient under command shouted at top voice all the dirty words within his knowledge. And if he knew an insufficient number it may be that the doctor told him others. A cure was effected because the sad young man soon discovered that words, even the most terrifying one, are not sticks and stones to bruise the body. He does not even feel by now that they have scarred his soul. There is no horrid magic in any word or phrase unless it happens to be mumbled.

HEYWOOD BROUN



# Presidential Possibilities

## XI

### Charles G. Dawes

By OSWALD GARRISON VILLARD

**I**N the Vice-President of the United States we have incarnate the greatest mass of

contradictions to be found in the

make-up of any public man today. For here is one who is well bred and yet a vulgarian; who has hosts of adoring friends, and yet repels multitudes; who is a darling of big business and the financial world, and at the same time of great groups of farmers who ought by every precedent to hate him and all his Wall and State Street friends. This man can, moreover, be at times fascinating, at times so surly and rude as to anger those near him. He is a lover of the classics and of art and is a fine amateur violinist—like Nicholas Longworth—with one popular composition to his credit, and yet you could be with him for hours and not dream that there was a fine side to him. He is skilled in publicity, in swearing in public at just the right time, in smoking his pipe upside down, and yet he lets great opportunities slip by him or makes egregious tactical blunders.

Essentially a man's man, he is extraordinarily popular—with men—in Washington and in the Senate, despite his fortunately futile effort to change its debating rules which rubbed the fur of many a veteran Senator the wrong way, and despite a well-founded belief that he plays favorites in recognizing the Senators to whom he grants the floor. To many he appears a dangerously erratic, irresponsible, and ill-balanced man, who in the Presidency would constitute a grave danger to the country; to others he is an able banker, a great patriot, a genuine leader, a remarkable politician, a sheet-anchor to windward in the fight against the "parlor-pinks," bolshevists, and all the others who wish to put a crimp in the easy ways of making money in which Dawes and his business friends rejoice. Finally, there is Clinton Gilbert, who calls him "the one real personality in a timid, conventional Washington, a great man or more nearly a great man . . . than any one else we have in Washington"; a "person vital, various, striking, amazing, confounding, alive in every respect, admirable. . . ." In the face of all this where and who is the real Charles Dawes?

There is truth on both sides. It is to his credit that so many men like him; that he has won over a hostile Senate. But it is also true that he has most unpleasant traits and that he can behave like a boor. I do not doubt that some of this is studied, for he is distinctly a poseur, or, if you please, an actor, and often a poor one at that. There are those who think that he deliberately takes a leaf out of President Roosevelt's book, even to imitating his falsetto. As to that I do not know. But it is a fact that his friends adore him and assure you that he has one of the kindest of hearts. They tell you that he suffers from his impulses—they deny that the impulses are rehearsed in advance—and say it is because he is so impulsive that he often gives such

*The last article in a series of studies of the candidates*

great offense. Accepting all this as correct, it still appears to me that there are other "real personalities" in Washington be-

sides General Dawes. Nor is it possible to acquit him of being really erratic whether that be studied or not. But it is true that he was a great success as chairman of the General Purchasing Board of the A. E. F. in France—a key position; that he did a fine job as Director of the Budget, and at least he gave his name and prestige to the Dawes Plan in Germany. He stands high in the world of banking and finance. It cannot, therefore, be asserted that he is merely a colorful eccentric, especially as he was an excellent Comptroller of the Currency as far back as 1897. He is obviously a man of force and executive ability.

But as a speaker on a public platform this general is the world's worst, with the exception of Herbert Hoover. Mr. Hoover cannot be heard fifty feet away. He has neither voice nor presence, and though elocution can do marvels for some aspirants for the stage, Mr. Hoover cannot, or will not try to, learn. To his aid has come the radio and to it he cheerfully flees, and over it he will campaign hereafter. Charles Dawes, per contra, has all the brass in the world. Poor speaker that he is, he will face any audience, and his strident, unpleasant voice and his jack-in-the-box gestures worry him not at all. I have two of his speeches especially in memory. One of them was at a great dinner in Paris for a delegation from the Cleveland Chamber of Commerce during the fateful treaty days in March, 1919. There were many distinguished Frenchmen there. General Dawes's speech was of the type to slap them in the face. It reeked with American self-satisfaction, assumption of superiority, and condescension—enough to make every Frenchman hate us. Of course, we had won the war and, of course, it was a grand thing to have American business men come over and show France how to reorganize and get ahead. That was the mortifying substance, the bad taste of it, fortunately immediately covered by a most graceful and tactful speech by General Dawes's warm friend and commander, General John J. Pershing.

The other speech Charles Dawes gave in Omaha during the La Follette campaign. Here are my notes made at the time:

I reached Omaha last night in time to hear Mr. Dawes. The streets around his hall were shut off by the police in expectation of a huge crowd, and loud-speakers were attached to the walls for the waiting multitudes. But only twenty persons were listening outside, and they could easily have gone in. Mr. Dawes has unfortunate mannerisms of speech which, despite the amplifiers, made it impossible for more than one-half of his audience to hear him. He stamped, gesticulated, barked, and roared for twenty-two minutes. I have never heard a first-rate public man get as

little applause as he did when he finished. It lasted by my watch exactly twenty seconds. The comments of the crowd were unflattering. Their amazement that the meeting was over in forty minutes was openly voiced. Dawes had nothing but his set speech—that the Reds menace our government and that La Follette will pull down the Supreme Court by order of the Socialists were his sole themes, save a long definition of the difference between a statesman and a demagogue, and a long quotation from Le Bon on the psychology of the crowd, to show that if you give the mob complete control of a government terrible things happen; witness the French and Russian revolutions. That went over the heads of his audience—a large and fine one, with many working people in it. Only his final appeal to save the American home and hearthstone from the red flag of socialism stirred the audience at all.

What does Mr. Dawes stand for? Accept for the moment the most favorable estimates of Mr. Gilbert and the others who believe Mr. Dawes to be the greatest figure in Washington, and then see just what his social and political ideals are. It has long been rumored that he was once a dues-paying member of the Socialist Party. He has even been portrayed on occasions as a liberal. Thus it is an amusing fact that when he spoke in Casper, Wyoming, during the 1924 campaign, a two-page advertisement heralded him as a progressive, "nominated at the Cleveland convention through the counsel of progressives," and gave these facts about his early political attitudes on the authority of a citizen of Casper, who, it was explained, had lived and worked with him in Nebraska:

Charles Gates Dawes moved to Lincoln from Ohio in 1887. He took a position as bookkeeper in a paper mill. Later he branched out into the law business. He was intensely interested in the anti-monopoly fight, became a live foe of the railroads and a recognized leader of the farmer movement for lower freight rates. . . . *He was always a friend of the under-dog.*

If these things were once true of Mr. Dawes he has long since reacted to quite the other extreme. He is today the most determined anti-union-labor man and general reactionary in political life. It was he who organized in Chicago the Minute Men of the Constitution, but the name was only a subterfuge. The organization was not established so much for protecting the Constitution as to attack the unions under the pretense of upholding our national charter and law-enforcement generally. He is particularly devoted to the use of injunctions in labor disputes, and he even goes so far as to declare that this has been made mandatory by the Constitution! That document, he has insisted, makes it the duty of judges to issue injunctions against all workers, whenever they strike or threaten to strike. Apparently he believes that men never have the right to lay down their tools. He was one of those who in September, 1922, acclaimed Attorney General Daugherty when he obtained a sweeping injunction against the striking railway shop-men. These were his words:

The Daugherty injunction in my judgment future generations will regard as the beginning of a new era of law and order in this country, because our government, through it, announces that the right of a man to work is as sacred as the right of a man to stop work.

He was of those who helped directly or indirectly to smash the Chicago building unions, and he has repeatedly declared that labor opposes the use of injunctions only because it

wishes to take its employers by the throat whenever it pleases. Here are some of his own words on the subject:

What is this claptrap about injunctions? Is there a man here, . . . whether he belongs to a union organization or not, that does not know what the claptrap is about? Is it feared on the part of Sam Gompers, John H. Walker, and Victor Olander that it is encroachment upon the liberties of the American people by injunctions? What they are afraid of is not encroachments on the liberties of American citizens; they fear the encroachment of their privilege to assault American citizens and kill American citizens when they go peacefully to work.

So he doubtless upholds those recent injunctions which have made it impossible for three men to gather together for private conversation on the streets of certain Pennsylvania mining towns without laying themselves open to arrest, and impossible for others to meet in a church to sing hymns without courting prosecution for violating an injunction of a judge who is apparently the creature of the corporations that control the situation. No, it is still true that there are criminal labor leaders who believe that they can obtain their ends best by violence and murder, but they are little worse, from the point of view of ethical standards, than men like Mr. Dawes who propose to misuse the powers of the courts and of the government to break the labor organizations that they dislike. His is the philosophy of our masterful business men, raised to the *n*<sup>th</sup> degree.

Mr. Dawes wants no interference with things as they are, with the control of big business over the economic life and the government of the United States. If he really has humane sentiments about uplifting the masses of the American people, he keeps them well concealed. He is a natural champion of the groups that propose to run this country for the purpose of lining their pockets at everybody else's expense, and he has always done his best to see that they had every chance to do it. He has passionate beliefs, passionately held, and the courage to defend them; but if he has sympathy with the progressive platforms of Wilson and Roosevelt in 1912, he has never given any evidence of it since he became prominent. He is capable of bursting out with indignant utterance, but never on behalf of reform. I cannot recall that he has ever made a speech denouncing the oil scandals. Mr. Dawes's most sympathetic companions, politically speaking, are the open-shoppers, the financial friends of men of the type of Sinclair, Doheny, and Fall. His brother is president of the Pure Oil Company; in the stock of this company Mr. Harding and some of his associates, so it is reported, lost much money when they tried to speculate in it on a tip from friends. He and his associates did their best in 1924 to commit the Republican Party to a campaign on the issue of the open shop.

Among the discredited men with whom Charles G. Dawes has worked in the past is ex-Senator William Lorimer, who was turned out of the Senate on account of the bribery of the legislature which had sent him to Washington. This leads us directly to the most famous incident in Mr. Dawes's banking career and the most disputed. According to the critics, the facts are these: Lorimer controlled a moribund national bank in Chicago and, when it was about to be closed by the Comptroller of the Currency, decided hastily to make it over into a State bank. In order to do this he had to prove to the satisfaction of the State Auditor of Public Accounts that the bank had on hand \$1,250,000 "actually paid in in cash," and that such cash "is now in



the hands of the proper officers of the said association . . . and is to be used by them solely in the legitimate business" of the bank. Lorimer did not have that money. His friend Charley Dawes, then head of the successful Central Trust Company, without asking permission of his directors or informing them, went beyond his authority and lent the \$1,250,000 to Lorimer with which he successfully deceived the State Auditor when that official came to make his inspection. The Auditor certified that Lorimer had complied with the law and gave him permission to operate as a State bank. Lorimer returned the \$1,250,000 to Dawes and went ahead, with the result that the bank collapsed and thousands of depositors lost their savings. When the matter was aired in the courts Charles G. Dawes, upholder of the sacred Constitution and the laws of the land, was soundly rebuked by the Supreme Court of his State.

To this story his friends reply that Dawes only followed a usual custom; that he and his Central Trust Company acted innocently in the matter; that they were merely helping out a friend who deceived them; that they received neither remuneration nor profit for their aid; that they believed the process to be lawful—though Dawes had himself been Comptroller of the Currency. They quote the opinion of one judge of the Illinois Appellate Court to this effect, but fail to add that this same judge held Mr. Dawes's bank liable for \$978,029 because of its share in the transaction. Other judges held it liable for \$1,250,000. The Supreme Court scored the transaction as wrongful taking of moneys but finally fixed the figure at only \$110,457.51. Even that was a pretty price for the stockholders of Mr. Dawes's bank to pay for his ignorance plus his desire to help out a friend.

When Mr. Dawes arrived in Washington for his inaugural he planned a sensation and he achieved one. Usually no one pays the slightest attention to what a just inaugurated Vice-President has to say, and no one loses thereby, for the Vice-President generally recites the dreariest of commonplaces. Not so Mr. Dawes. His becoming the presiding officer was too great an event to go unnoted, and so he hit upon the bright idea of berating his new associates and assuring them that their methods of conducting business were all wrong; that they had better be good boys and obey him promptly and change their rules. Naturally he appeared the next day on the first pages of all the dailies. Naturally the public snickered, and naturally the Senators, with the exception of a very few, were furiously indignant over his impudence and his proposals, which they promptly rejected. And not only they. The best of the Washington correspondents who have long observed both Senate and House were opposed to him. They pointed out, usually in private, that the Senate is the only worth-while debating body left in the United States; that the House of Representatives has been so submerged by the rules limiting debate that correspondents rarely go over there to report anything, and that the same fate would surely overtake the Senate if it were to respond to Mr. Dawes's wishes. Moreover, all observers agreed that if the Dawes reform went through both House and Senate could be entirely controlled by a small clique of the majority party.

In consequence Mr. Dawes got much less public support than had been expected. That did not discourage him nor did the good- or ill-natured tolerance of the bulk of the Senators depress him. He made a number of "snappy" speeches in various places during his first year in the Senate, always

reiterating his denunciation of the Senate rules, and insisting, with utmost braggadocio, that he was bound to win, that he was going to bridle the only important debating body in the world that did not regularly use cloture of debate. Now, in his fourth year as Vice-President, one hears nothing more about the Senate's wicked rules. Whether General Dawes thereby confesses defeat or whether because of the mention of his name for the Presidency he thinks it well to postpone further campaigning on this issue, is not clear. It is worth noting, however, that even the enthusiastic Clinton Gilbert declares that that inaugural address was in bad taste; that it was thoroughly bad acting for so astute a public performer; that it utterly failed to achieve his purpose and to put Mr. Dawes on the map as a great national figure, as he consciously intended it to do. Thus this brooding Napoleon from Evanston, Illinois, lost his first battle.

He has noticeably failed either to be a warm friend to Mr. Coolidge or an avowed critic. It is an open secret in Washington that the two men do not love each other. Dawes undoubtedly does not suffer from the inferiority complex, which many of his friends attribute to him, when with Mr. Coolidge. On frequent occasions the Vice-President has differed from the President, and no one need believe that Mr. Coolidge has ever forgiven his understudy for that famous "nap" which not only deprived him of the Attorney General he ardently desired but led to his public humiliation by the Senate's vote that he had chosen an unfit man for his Cabinet. Mr. Coolidge can cherish hatreds as well as Dawes. If the latter is really a candidate, this must be discouraging to his supporters, for at this writing the President can still make or unmake any candidate by the aid of the Presidential patronage and the prestige of Secretary Mellon. But Mr. Dawes insists that he is not and cannot be a candidate; that he and Mr. Lowden are bosom friends and that as long as the former Governor of Illinois is in the ring he cannot be. In this he may well be entirely sincere, for they have been devoted chums for many years. Both tried to enter political life together in 1904 and both were defeated—Dawes for the senatorship, Lowden for the governorship. Gossip has it that they then clasped hands and swore that they were forever through with political life—amusing evidence of the way the disease of political ambition recurs after the poison has once been injected. But the truth is that Dawes will be a candidate the instant that Lowden is beaten or withdraws, and that the best possible policy for the Vice-President to pursue in the event that Lowden and Hoover fail is to lie low until the convention. Friendship and policy here go hand in hand.

Neat, dapper, sociable, modest, musical, aesthetic, efficient, industrious, domestic, and charming—these are some of the adjectives that William Hard applies to the Vice-President, to which must be added that the latter is generous and charitably inclined. But a man may be all these things and yet a demagogue, and that is precisely what Mr. Dawes is—a demagogue in the conservative camp, as much of a class agitator as any bolshevik. None of his amiable qualities will conceal this fact. No amount of charm or power to arouse intense and passionate personal loyalties can obscure the convincing evidence that if he enters the White House it means the enthronement of class hatred, of arrogance, of disregard for social progress, and the driving of additional wedges between the haves and the have-nots.



# Lobbying in Washington

By F. H. LA GUARDIA

*Washington, D. C., May 11*

THE profession, trade, or art of lobbying has become so well established and so lucrative that legislation is now pending to control or prohibit it. One bill has already passed the Senate and is now being considered in the Judiciary Committee of the House. Five or six similar bills, more or less drastic, are pending in the House. In all likelihood one of these bills will pass and everybody will vote for it. To vote against it requires too much explaining, and those who do are likely to be misunderstood.

The strange part of it is that the lobbying law will no more prevent lobbying than prohibition prevents drinking. The vicious lobbyist who does his work by corrupt means will continue his nefarious practice; a little thing like a law will not faze him. This gentleman never operates in the open and seldom operates in Washington. He does not come in contact with elected Representatives in the House or Senate. He has better and more effective contacts. The fake lobbyist will welcome the law. He has no influence. He could not prevent or obtain the passage of a single bill. He maintains offices in Washington, sends out copies of bills introduced, obtains "information," and issues regular "bulletins" or "reports." He lives on the credulity of people whom he impresses with his importance and makes believe that he is serving. This type of lobbyist, and there are many in Washington, will be the first to register. He will adorn his letterhead with the proud legend: "Legally Registered Legislative Representative"—a high-sounding title and strictly in keeping with the law. In fact, the proposed law will add to the importance of these nonentities. It will not hurt the faker and it will not deter the rogue.

No honest legislator who does his work conscientiously fears any lobbyist. In fact, the lobbyist knows better than to approach such a legislator. A legislator is very much like a woman walking the streets of a great city. If she looks for annoyance from a masher, she can generally find it. Equally attractive women minding their own business are seldom annoyed or molested on the streets. So it is with the legislators. If they are busy doing their work according to their conscience, they have no time to notice the goo-goo eyes of the lobbyist.

The joke of it is that so little actual lobbying is done in Washington. The real lobbyists are paid big fees by big interests and their base of operations is back home near the post of command. No lobbying law will be able to reach them. They work under cover and will not register, law or no law. Their contact is with political bosses.

Thus it happens that a member, no matter how carefully he guards himself against the influence of the glib-tongued lobbyist in Washington, may, in simply discussing legislation with his political leaders at home, be unconsciously influenced by men who have been contaminated by the lobbyist. In all likelihood the renomination or even the reelection of the Representative may depend upon the good-will of his influential political friends at home. A thoroughly honest but weak legislator who would indignantly spurn the suggestion of a lobbyist may willingly

accept the craftily bestowed advice of a political boss.

No lobbying was carried on in Washington when the purchase of the Cape Cod Canal was voted. Yet there was a great deal of lobbying on the outside. The bondholders were exceedingly anxious to recoup by dumping a bad investment on the government. That bill went through like greased lightning. Delegation after delegation voted for it. It created little public interest, so the lobbyists had an easy time. Important, novel, or progressive measures, such as Boulder Dam, Muscle Shoals, farm relief, anti-injunction bills, or a child-labor amendment, have all been affected by "negative" lobbying. In behalf of the same proposals, there has been a great deal of amateur spontaneous and enthusiastic propaganda—something quite different from professional lobbying, bought and paid for. These measures illustrate the power of professional lobbying. All of them have won an extraordinary amount of popular support, yet they have been not only stubbornly opposed but their consideration constantly delayed by efficient, professional lobbying, most of it outside of Washington.

Party obligations form another more dangerous variety of lobbying. In preelection times, when each party begins to formulate its platform and to carry on a campaign, contributions come in. Most of the contributions are small and cheerfully given without any promise or hope of specific return. Then the big contributors come along. They make it their business at the time of contributing to meet not only the local solicitor for funds but the "prominent men" of the party. Nothing, of course, is said at the time, but later when legislation is pending that affects the large contributor the political acquaintance is renewed, the subject discussed, obligations recalled, and desired results obtained. This kind of lobbying will also not be affected by legislation. Under present conditions in both major parties, political bosses who now assume the more dignified titles of State Chairmen or National Committeemen select the seemingly unimportant County Committeemen or State Committeemen who in turn select them. Hence there is no real accounting or responsibility to the party membership. When the members of both parties realize their power and reverse the procedure, taking an active part in party matters, serving as County Committeemen or selecting their own committeemen who in turn will select State Chairmen and National Committeemen, a sense of responsibility will be created which, in large measure, will do away with the tremendous power now exercised by these self-appointed leaders in both parties.

After all is said and done, and after the lobbying bill is passed, it will still remain a matter of the individual Representative in the House or Senate keeping faith with his constituents and exercising independence regardless of what political wrath may be visited upon him at the next election. The honest legislator who votes according to his best judgment and conscience will never fear or be tempted by the most skilful lobbyist that ever infested Washington; the other kind of legislator will not be improved by the passage of a law.

# Portland Votes No

By JULIA N. BUDLONG

THE citizens of Portland, where rolls the Oregon, have just declined a cut of \$400,000 a year in their electric-light and power bills, with thanks. The only obligation attached to the offer was their consent to the merger of their two electric-light and power companies through the purchase by the Portland Electric Power Company (familiarily known as Pepco) of the newer and smaller Northwestern Electric Company.

It would have been sufficient for the City Council to ratify the sale to make it legal, but the question was put before the voters in a special election called on April 9, one month before the regular primary election in May. The power companies, in their desire to keep the issue out of the political maelstrom of the primaries and to have the matter decided at once, agreed to pay the entire expense of the special election, some \$40,000.

In the offer to the consumers, the presidents of the two companies pledged their word that rates would be reduced \$400,000 a year for a period of five years at least. Of this reduction \$200,000 was to be applied in the field of domestic power, and within this field the greatest benefit was to accrue to those consumers whose bills fell under the \$10 limit, 60 per cent of the 65,000 domestic consumers. Commercial lighting was to receive \$100,000 of the reduction, and the rest was to go to the industrial-power classes, giving Portland a lower rate than any city on the Pacific Coast, excepting only Tacoma, whereas she now underbids San Francisco only.

It was promised, furthermore, that the merger would not throw men out of work. The savings which made the great rate reduction possible were declared to be in the realm of extension equipment, generating and transmission duplication, and distribution waste. Since the process of actually merging would take a year at the least the normal turnover of labor would take care of the small surplus of employees the merger would entail.

In short, the power and light companies of Portland were willing to pay the expense of a special election to permit the citizens of that city to give their consent to a cut of \$400,000 a year in their electric-light and power bills, a reduction that should throw no one out of work; that should apply most generously to the small consumer; that should place Portland in an advantageous industrial position.

Such magnanimity on the part of the companies gave rise to the anti-merger slogan: "Timeo Danaos et dona ferentes," translated into the very kingly English of the sovereign electorate, There's a nigger in the woodpile, or a monkey up a tree—perhaps both. The proposition was defeated by a two to one majority.

It is not to be wondered at that thoughtful citizens were suspicious of the proposition which was presented to them. The Portland Electric Power Company, which owns the street-car system as well as one of the electric-power companies, is owned by Philadelphia capital. Its financial standing is none too good and its effort to liquidate a part of its outstanding obligations was probably in a measure responsible for its desire to eliminate a competing company by

purchase. The Northwestern, on the other hand, originally organized and chartered by the Fleischiker interests of San Francisco and since passed to the control of the American Power and Light Company, which holds all of its common stock, is in excellent financial health. Public rumors that it had offered to reduce rates and been refused the opportunity on the showing of Pepco were not denied during the heated merger campaign. The spectacle of the American Power and Light Company endeavoring to dispose of a prosperous unit to a Philadelphia concern, badly obligated by outstanding indebtedness, was enough to make even the dullest voter pause and consider.

Another point at issue was the disposal of the Northwestern's franchise. Drawn up in 1912, when severe experience had taught municipalities a measure of self-protection in issuing public-service charters, it contained fairly enlightened provisions for the community's welfare. For one thing, it provided for the payment to the city of 3 per cent of its gross revenue. The first payment, in 1914, had been \$7,348.40. In 1927 it was \$69,527.36. This is, of course, negligible compared to the \$400,000 of the merger rates, but it was growing. In five years, when the companies' promise of reduction expired, and, from bitter experience with other public-service monopolies whose rates have steadily risen since the monopoly became effective, an increase was to be expected, the Northwestern's 3 per cent gross might be expected to amount to \$100,000, still steadily gaining.

Finally, it is provided that the city shall have the privilege of purchasing the Northwestern at a price to be determined by arbitration. It was on this issue of public ownership that the open opponents of the merger took their stand. It was argued that public ownership (or political ownership, as the power companies chose to call it) did not enter into the question since the city had the right to seize by condemnation proceedings any or all property owned within the city at any time. Such proceedings, however, would entail price-fixing by adjudication, and the power companies would have the city on the defensive, whereas arbitration would give the city the advantage. Furthermore, it was feared that the merger would create a company so heavily capitalized that it would be practically impossible to induce Portland to vote the bonds necessary for its purchase.

Pepco publishes weekly a thin sheet, full of humor and irony, both conscious and otherwise, which it distributes through its street cars in its kind-hearted effort to relieve the tedium of its customers' long trolley rides. It is called "Watts Watt" and its avowed purpose is to present the company's point of view to its "patrons." Through all the years of its circulation "Watts Watt" has never ceased to reiterate the maxim that everything assessed against the company comes back again out of the customer's pocket. Fares and rates are fixed by the State's popularly elected Public Service Commission upon the basis of gross revenue and operating expenses in order to guarantee investors a fair return (8 per cent) on their investment. Consequently the company is in no wise to blame for the steadily mount-



ing price of service. All taxes levied on the company come back again upon the people in the form of higher street-car fares. "If you compel us to pave between our tracks, you'll have to foot the bill in higher fares or impaired service."

When, then, Pepco altruistically offered to pay for a special election which the City Commission felt it was unjustified in calling, because of the expense entailed, the electors felt that they had been assessed just as surely as if it had been paid for out of the city treasury. Whatever power-company fund it came from, surplus, emergency, or what-not, the bill would come home to the customer eventually, for "stockholders must be paid."

The *Oregon Daily Journal* is the city's biggest liberal news sheet. For months it had been "crying wolf" about the dangers of the national electric-power merger. It had denounced in round terms the shelving of the Congressional investigation. It fears and hates monopolies. But it was instantly in accord with this particular measure and its

news columns and editorials were warm in its defense, while its advertising sections were generously supplied with their full share of the \$30,000 worth of copy issued by the companies. "The *Journal*," its editors reiterated, "still adheres to its policy of public ownership of public-service monopolies; it will continue to agitate against the national power monopolies; it regards the growth of such a monopoly a distinct menace to the welfare of the American people." But this is different! "The two companies never do compete in the field of rates as it is, and the *Journal* regards it as a quick and effective way of getting the reductions in rates it has agitated for years."

But, as in the case of "Watts Watt," a public educated for years to one point of view cannot be reeducated by a whirlwind campaign of thirty days and the blinding dazzle of \$400,000 a year. Just where the catch was the people did not know, but they employed the time-honored maxim: "When in doubt vote No."

## Where Communism Is Real

By PHILIP S. BERNSTEIN

**I**N Palestine communism is not political. Red flags are conspicuously absent, and there are no communications with Moscow. The attempt is being made in thirty agricultural colonies to live a purely communistic life. These colonies are called *kvutzot*, cooperative groups. They vary in population from fifty to three hundred. Neither the land nor the buildings nor the tools are privately owned. The ground remains in the permanent possession of the Jewish people. All that is in the soil and on it belongs to the colony.

In the prosperous individualistic villages elsewhere in Palestine labor can be and is exploited. Arabs and Yemenite workers are employed at starvation wages. In the beautiful plantation village of Rehobot a farmer attempted to justify this. Palestine, he maintained, could not be built on ideals. There must be some injustice. Labor must be exploited else there could be no progress. "Without exploitation," he said very earnestly, "without exploitation, no sound economic order can stand." In his village there was already a marked class division between the well-to-do landowners and the large group of poor farm workers.

But the communes eliminate by their very nature the possibility of social and economic inequality. Wealth is not privately owned. Each individual works and receives according to his or her needs.

Is there not a compensating form of injustice? If men are rewarded according to their needs and not according to ability or effort, may not the slowest unskilled worker receive greater remuneration than the most skilful mechanic or than that trained dentist in the northern commune who works in the field with her comrades during the day and repairs teeth in the evening? Yes, is the answer. Why not? Can the latter wear more than one outfit of clothes at a time or consume more than a normal quantity of food? Does not the *kvutzah* provide them with everything they need? As to reward, let it come in personal satisfaction and heightened prestige.

It would seem that such a system places a premium on shirking. Lazy people, apparently, need do only a minimum

of work to receive not only their share, but if they have a number of children, more than the good worker. This is true, and yet indolence is rare. Perhaps it is because these workers are of the first generation, pioneers, and the pioneering spirit burns like a steady flame. Perhaps a moral compulsion keeps them from shirking, or perhaps the solemn sense of duty which animates most of these young idealists.

The cooperative offers to women the double opportunity of family and career. Except in the months immediately preceding and following childbirth, women work in field, shop, and kitchen with the men. There are no economic factors to prevent marriage. Save for the fact that a married couple is given a private room, the *kvutzah* continues to provide for the wants of the man and woman in the same way as before marriage.

When children are born mothers care for them until they are weaned. Then the child is turned over to nurse and teacher in the children's house maintained by the community, and the mother returns to her work. Her participation in communal activities goes on as before. Of course she has no "home life" as Americans conceive it. While she and her husband have a room for themselves, they eat in the large dining-room with the others, and during the week see their children for only a few moments at the noon rest period, and for an hour or more, if they choose, when the day's work is done. On the sabbath parents and children are together. There appears to be no lack of parental or filial love. The sight of men and women walking, playing, singing with their children is joyous to behold.

It is interesting to note that the mothers are the most emphatic in their approval of the cooperative rearing of children. They feel that the children are receiving as good care as they could give them. At the same time the mothers have the opportunity of participating fully in the life of the community. One modification is desired which will come with years and prosperity. Parents would like to have their children with them at meal times. At present this is not feasible, for most of the *kvutzot* are poor. The food



which the adults eat would not be adequate for growing children. The children are given the best that can be procured. Perhaps at some future time, when the parents' food can be as nourishing as the children's is now, it will be possible for both to eat together.

The charge of immorality has been made against the communes. The reasons are not far to seek. In some of them, especially in those in which Jews from Russia predominate, men and women (never fewer than four or five) are placed in rooms together. It is aimed to establish a complete equality between the sexes and to make it possible for men and women to become intimate friends without the element of sex entering into their relationships. This policy has not been the parent of immoral practices, according to my observation. Looseness in sex relations was practically unknown, and was severely frowned upon. An American college graduate in a commune near the Syrian border maintained that his comrades were "actually puritanical." In some communes the practice of putting men and women in the same room has been dropped, not because it led to immorality but because, like mixed bathing, it involved some petty embarrassments and inconveniences.

When a man and woman decide to marry, they make a public announcement and then proceed to live together. Cohabitation constitutes marriage; there is no ceremony. If man and wife wish to separate, they do so, again without formality. Thus far the number of separations has been negligible. The marriage tie apparently has been as binding as though consecrated by a rabbi. Husbands and wives, sharing the same work and responsibilities, are comrades in a sense unknown in other lands. In the few cases I heard of where love had died, society did not force the couple to live together. They separated, and the community of which they were a part provided for the offspring. It might seem that this would lead to much looseness. In practice it has not. Perhaps the inherent self-respect of human beings, or possibly the Hebraic moral consciousness, has prevented trifling with love. *Kvutzah* customs, it would seem, tend to beautify and sanctify the love relationship.

A word about religion. The sabbath and holy days are observed in the communes because they afford rest and recreation or because they are a nationalistic bond uniting all Israel. There are no formal religious observances of any kind. The Bible is read and taught not for its religious teachings but because it is a Jewish book, because it is the best Hebrew textbook, because its *locale* is Palestine. There are no synagogues, except, as in the largest commune, for the parents of the young pioneers. They are not antagonistic to formal religion; they say, "We are simply indifferent."

## In the Driftway

THE lunch wagon has been passed in review recently by the readers of the *New York World*, and a fascinating parade of history and folk-lore has appeared. It all began with a short editorial in which the writer asked if lunch wagons had ever had wheels and, if so, what for. For weeks the newspaper was deluged with replies, from which a fairly adequate history of the lunch wagon might be written. C. L. Edson wrote in quickly as follows:

Can you ask in good faith the question: Did lunch wagons once have wheels? Is it possible that men have

grown old enough to be editorial writers who were born since the lunch wagon lost its wheels, as mankind has grown up since the auk lost the use of its wings and the kangaroo lost his front legs by walking on his tail?

The origin of the lunch wagon was probably the chuck wagon of cattle-herding days. Chuck is a development of the word chew. In the period when all plainsmen and soldiers lived in wagons the cook became habituated to the chuck wagon.

As the migratory life began to crystallize around cattle towns at rail heads such as Abilene, Hays, and in a lesser sense at Kansas City, the saloon was the first stationary institution. Chuck or lunch was still on wheels. On the outskirts of town the cook prepared his beef stew and hard-tack or chili con carne. By nightfall his savory mess was ready.

But no longer could he shout: "Come and get it."

He had to drive down to Main Street to be in calling distance of the former cowboys. They were in the saloons. He parked his chuck wagon in front of the drink parlors and for the evening food and drink, in a country of magnificent distances, had come within elbow-reach again. Wheels did it.

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ANOTHER correspondent called to mind the famous "Hotel de Car" which did business for many years at 146th Street and Lenox Avenue, New York City. When the Fourth Avenue horse-car line was revolutionized by the introduction of electricity an employee of the company obtained one of the old vehicles and fitted it out as a restaurant. This must have had a good deal to do with the evolution of the lunch wagon in Gotham, for most of these eating places in the metropolis nowadays more resemble street cars than wagons. The reason why lunch wagons, even those without wheels, are made to look as if they are movable was thus explained by Albert T. Loewy, presumably a lawyer:

The lunchroom proprietor, whether he knows it or not, makes his shack resemble a wagon and frankly calls it a wagon because it will then be personal property, belonging to him, and not real property, belonging to the owner of the land. The reason is obvious. Under the common law realty includes not only the land but the buildings permanently fixed to that land. To determine whether the building is permanently fixed to the land, one must examine the intention of the party. His intention is shown by the manner in which he constructs his building.

In the case of the lunchroom proprietor he shows his intention by constructing a building that does not presume permanency. He makes it look like a wagon, and to play safe he calls it a wagon. His lunchroom is now personalty and cannot revert back to the owner of the land at the termination of the lease.

\* \* \* \* \*

THE lunch wagon would seem to be only a part of a roving merchandising system which in a more primitive and transient day was used in the sale of many commodities. As a boy the Drifter remembers the annual call at his parents' home of a wagon laden with glittering tins and hardware. The owner sold his wares for cash, or took old iron in exchange. Hucksters of fruit and vegetables, of course, have long used wagons, while there seems to be a tendency nowadays to revert to the old-time traveling merchandising system, in line maybe with the development of the chain or branch store. The competition for customers is leading the store to go to the buyer instead of compelling

the buyer to go to the store. In the country and the smaller cities it is increasingly common for grocers, butchers, and the like not only to deliver goods but to carry a considerable stock for sale, making regular calls over fixed routes. In Columbia, South Carolina, a year or so ago the Drifter made the acquaintance of the "Rolling Reds." These are not perambulating radicals but the red wagons of a grocery company all of whose stores are on wheels and whose sales are all made in the street.

THE DRIFTER

## Correspondence

### Broun's Prize

TO THE EDITOR OF THE NATION:

SIR: Congratulations to Broun for winning, in a way, the Pulitzer prize in journalism.  
New York, May 8

DEVERE ALLEN

## Polygamy and Citizenship

TO THE EDITOR OF THE NATION:

SIR: Your editorial regarding the absurd questions asked of aliens who are seeking to become American citizens is much to the point. It many cases the inspectors seem to be under the impression that they are at the hearing to display their own knowledge rather than to test fairly the preparation and suitability of the applicant for citizenship. This attitude of the inspectors seems to be universal. Some time ago an applicant from Eastern Europe was being examined at a hearing in Montesano, Washington. "Are you a polygamist?" asked the inspector. It sounded bad, so the applicant took a chance and said, "No." "Oh, then you're a monogamist," countered the inspector. This sounded equally bad, so the applicant again entered a denial. "I see, I see, you're a free lover," came back the inspector, and the poor puzzled applicant was lost.

More recently an Englishman, press man for the *Montesano Vidette*, was refused admission because he couldn't tell how many justices there were in the United States and Washington supreme courts. He has, however, since been admitted.

This sort of thing does not make for intelligent interest in civic affairs or national affairs.

Montesano, Washington, April 28 A. WENDELL BRACKETT

## What Senator Stephens Said

TO THE EDITOR OF THE NATION:

SIR: However much you may desire to see Negroes and whites working side by side in the various government bureaus, I believe that you want to be fair in your comments on the actions of those who believe in a segregation of the races. In your edition of April 25 I notice your comment that

In so far as Mr. Hoover has moved toward the ending of segregation in his department, he is entitled to commendation. For what he has done he has been violently attacked by Senator Stephens of Mississippi, who made at least one misstatement in his letter—that segregation had always existed in the departments at Washington.

What the Senator wrote was:

My information is that for several years there has been a division in the Bureau of the Census in which only Negroes were employed; and that there had been a segregation of the races in every department of the Bureau.

Washington, May 3

GEORGE W. NEVILLE,  
Secretary to Senator Stephens

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## Poor Little Fool

by

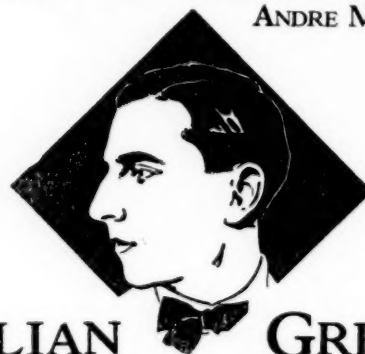
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# Books, Music, Plays

## An Open Door

By ALFRED KREYMBORG

To those who wish to call I'm always home—  
Providing they forget Society.  
I much prefer the man to come alone—  
Two hands can say enough for him and me.  
In youth my heart was lonely, large and shy.  
It yearned too much and grew gregarious.  
The fault is mine if now I'm rather sly—  
And eye old friends who've grown precarious.

Whoever he is he needn't come prepared  
To find a man with any noble graces.  
Nor must he mind too much if I look scared  
The moment he begins to wear two faces.  
The door is standing open just the same:  
He can go without a word the way he came.

## Havelock Ellis

*Havelock Ellis.* By Houston Peterson. Houghton Mifflin Company. \$4.50.

THE author of the present study has had the full cooperation of its subject. Mr. Ellis has not only given him aid in such formal matters as the preparation of an extended bibliography but has supplied him with innumerable bits of personal information as well and, most important of all, intrusted to his care the journals kept during certain formative years. Doubtless there are certain difficulties inevitably inherent in the attempt to write the biography of a living man, but in the present case at least these difficulties are more than compensated for by the availability of information which the subject alone could supply, and Mr. Peterson's book cannot but continue to be a primary authority for the study of Ellis's life and work. Obviously written out of a very intense admiration for the subject, it is nevertheless refreshingly free from the mere gush of the hero-worshiper, and it certainly constitutes the most complete as well as the most considered and informative account yet given of a man whose influence upon contemporary society it would be very difficult to measure.

Whatever differences of opinion there may be as to the most important of the more subtle aspects of the contemporary spirit, there can be no doubt that there is nothing upon the surface of society which differentiates us more strikingly from peoples of other times than our attitude toward sex, and whatever the exact position of Ellis may be—he is of course a compiler and popularizer as well as innovator—there is no one else whose name is so intimately associated as his with the revolution in thought and manners which is the most obvious phenomenon in the social history of the last twenty-five years. His *magnum opus* is still, in theory, accessible only to the medical and allied professions, but it has, of course, been very widely read by the general public, and it is, moreover, the immediate source of four-fifths of the other discussions of the sexual question which have appeared in English. His influence was felt in America long before that of Freud, and it is doubtful if Freud himself has had a more widespread influence in England and America upon the reigning mores. Ellis was doubtless a part of the spirit of the age quite as conspicuously as he was one of its formative

influences, but there is hardly a figure more typical of the early twentieth century than he. No list of representative men could possibly leave him out, and there are, accordingly, few living men concerning whose life and personality curiosity is more legitimate.

Mr. Peterson's book is both methodical and full. It answers most of the questions which one would naturally ask, and it is particularly interesting in those sections which deal with the *jeunesse* of its subject. At sixteen Ellis was a conventionally earnest and rather priggish young man troubled by a typically Victorian squeamishness when efforts at self-improvement through the study of art and science reminded him of the existence of sex and sexual problems; at seventeen he had already made up his mind to devote his life to a study of the subject and already executed a complete about-face in his attitude toward it. In the course of that year a sea voyage had detached him from familiar material surroundings, and a reading of Drysdale's "The Elements of Social Science" had given a new orientation to his thought; but the process was that of a genuine conversion—the rapid crystallization of hitherto repudiated ideas into a system which remained henceforth essentially unmodified throughout life. The bibliography of his works is long, but except for the shameful prosecution of the first volume of his "Studies" his existence has been outwardly uneventful and has been, indeed, little more than the successful accomplishment of the purposes formed at seventeen. Personally Ellis is a shy, retiring, and modest man, in no sense a "fighter" and not at all given to controversy.

In addition to purely biographical material Mr. Peterson presents a brief history of the modern study of sex in order to make it possible to place the work of Ellis in that history and offers besides an interpretation of Ellis's philosophy, whose characteristic feature he finds, correctly enough, to be that fusion of scientific and artistic interests which has led him always to pursue knowledge in the interests of human happiness and to study sex for the purpose of enriching love. Few men, it may be said in conclusion, have ever been animated with greater singleness of purpose and, in one sense, few men have ever seen their battle more completely won. It may be that the science of sex will be, like all science, ultimately less valuable than the scientific age hoped that it would be, but Ellis has undoubtedly lived to see his immediate purpose accomplished. Within his lifetime sex has, for the first time in human history, been accepted as, like all other natural phenomena, a proper subject for purely rational investigation.

JOSEPH WOOD KRUTCH

## Bells, Bells

*Let Freedom Ring.* By Arthur Garfield Hays. Boni and Liveright. \$2.50.

WE have been driving all day across the dusty plain of Southern Russia. Toward evening we reach a little village of white-walled thatched-roofed huts. The car is stopped and we enter one of the houses for a glass of water. A single room, clean, bare, a mud-packed floor, a great square stove in the corner, an icon, a bench or two. An old peasant woman greets us and makes us welcome, simply and graciously. Americans? Ah, we are the first Americans she has ever seen. Americans. She looks at us with kindly wrinkled eyes. Suddenly perplexity comes into her face; perplexity and sadness. "What are your countrymen going to do with Sacco and Vanzetti? Is it right that these two poor men should die?"

And before that level gaze we can only bow our heads. We had no answer for this peasant woman, who had never seen

a foreigner. In factory, mine, and city street, wherever we went in Russia, the same inevitable question came, and still we had no answer. In that hot August sunshine, not Russia but all the world was asking if a peddler of fish and a shoemaker must die for their opinions. And there was no answer, until suddenly death struck, and answered all.

And if we were stunned by this brutal finality half-way around the world, what must it have been to those at home, particularly those who had gathered, hoping against hope, under the shadow of Beacon Hill? Arthur Garfield Hays tells the story of those last days, when every human recourse was tried to save the men who had made a peasant woman's eyes grow dim with pain—and when every human recourse failed. "Their voices are gone into all the earth, and they will be remembered in gratitude and tears, when the names of those who murdered them—judges, governors, scholars—have gone down into everlasting shame." With these words the story ends. It is a story told simply, carefully, without sentimentality, but with a subtle, moving quality of one who has lived, and has suffered, through a great and terrible human experience.

This is the last, and to my mind the best, of the six episodes in the book. Not that the others are not excellent in their way. But of these six famous cases of which the author writes, and in which he was personally involved, that of Sacco and Vanzetti struck the deepest, and I am glad he saved it for the end.

The first case is that of the People of the State of Tennessee vs. John Thomas Scopes. It appears that this case was a frame-up. We are shown a photograph of the conspirators in Robinson's drug-store, Dayton, daring the young school-teacher to say a good word for evolution in his classes, and so test the anti-evolution law of his sovereign State. Little did the conspirators realize what a hullabaloo this action was destined to bring down upon their heads—millions of words of newspaper copy, swarms of reporters, flashlights, William J. Bryan, hot-dog stands, revivalists, total immersionists, side-show barkers, sob sisters, feature writers, and the ribald laughter of the rest of the civilized world.

The second case deals with the eleventh-century conditions obtaining in the coal-fields of Pennsylvania. Mr. Hays, showing a very pretty nerve, goes storming into Vintondale, the feudal domain of the Vinton Colliery Company—and tries to hold a union meeting there. He finds himself being walked over by the horses of the coal and iron police, and presently he finds himself in jail. He is tried in the Baron's court, refuses to pay his fine, and, finally, his tormentors throw up their hands and discharge him. He is also, I take it, pretty sore. He makes his way out to civilization, and proceeds to have a number of warrants sworn out against the Baron's retainers. Which is unheard of. Back to Vintondale he goes, his pockets stuffed with warrants. He tries to arrest the coal and iron police; and by the Eternal he does arrest them—some of them. Nothing like it has been known since Magna Charta! They fall from their horses in sheer stupefaction. Who ever heard of the law of the land in a coal town? But Mr. Hays for one dizzy and stupendous moment put it there. We have to bow to his courage, even if his heretical invasion was inevitably short.

The third case is that of the irrepressible Mr. Mencken and his irrepressible *Mercury* among the burghers of Boston. It provides a pretty—and on the whole a rather tragic—contrast with the Sacco-Vanzetti case that is to follow. The fourth episode reads like a mystery play, and has to do with a certain Negro doctor who bought a house in a section of Detroit devoted to whites. Why did Dr. Sweet shoot and kill a man, and what forces of ignorance, of injustice, of terror lay back of that midnight fusillade? Mr. Hays tells us from first-hand knowledge, but there is no happy ending to this story. The fifth case is entitled Freedom of the Stage, and we are made privy to the drama of official stupidity which forced "The Captive" from the lights of Broadway and kept the city pure against

a frank and honest portrayal of one of the major problems of our age—aye, of all ages.

These six episodes are all taken from the author's personal experiences as, shall we say, the attorney for freedom. He briefed, or helped to brief, the case for the minority interests—freedom being somewhat at a discount today. In Vintondale he won, in Charleston jail he lost—but that is not the point. The point is the willingness to carry on at whatever odds. He writes clearly, logically, and interestingly, but he is more used to handling words in courthouses than on printed pages. One will not read this book for its style but for its content. It is the blunt diary of a soldier in the eternal warfare against tyranny and intolerance.

Ring out, wild bells! And if your tongues are held in this incomparable republic on every hand by men who walk in darkness and in fear, be thankful for the Clarence Darrows, the Arthur Hayses, and the Roger Baldwins who keep the faith and still would set you ringing.

STUART CHASE

## Julian Green

*The Closed Garden.* By Julian Green. Translated from the French by Henry Longan Stuart. Harper and Brothers. \$2.50.

THE publication of "Avarice House" by this young American who writes in French brought to the attention of the reading public a novelist of decidedly arresting gifts. The same qualities which were revealed in "Avarice House" are present in "The Closed Garden"—a cold absorption in the presentation of a morbid passion, an uncanny skill in conveying a sense of monotony, a very special ability in depicting feminine inhibitions. Green, like Mauriac, whom he so closely resembles in many other ways, is the analyst of French puritanism and its near-synonym, provincialism. He is attracted by one particular aspect of psychological life: the process of emotional starvation.

In "The Closed Garden" he studies the girl, Adrienne Mesurat. After a Balzacian introduction which places before us the dreary and repressed Mesurat household and its dreary macrocosm, the town of La Tour l'Eveque, attention is centered almost entirely in young Adrienne. She is one of those dully passionate natures who seem fated to be murderesses. Driven in upon herself by the maniacal selfishness of her sister and father, she is forced to compensate for her gray existence by imagining herself in love with Dr. Maurecourt, to whom she has never spoken. As the circumstances of her environment offer no possible outlet for expression, she is driven to construct a mad fantasy-world of desire; and the energy thus accumulated finds terrible release in the killing of her father. The release is but temporary; and, as her mute desires continue to grow without any satisfaction being offered them, her naturally unironic mind, deprived of the beneficial effects of humorous self-examination, decays until madness intervenes. The entire process is described by the author in a single sentence, characteristic of his frigid and classically sober utterance: "It is a question of certain souls whom loneliness has marked for its own, and who pass without transition from an empty existence to a species of interior frenzy which subverts their reason."

This seems a fair query: Can a really great novel dealing with the psychological effect of a repressive puritanism be written by someone without a sense of humor? Certainly the finest achievement in this field is the work of a man predominantly gifted with humor and irony—Samuel Butler. M. Green, again like Mauriac, appears entirely barren of humor. His absorbed grimness, his resolute determination never to lose sight of the fact that he is dealing with an unpleasant subject and a group of highly unpleasant people, has a curious



effect on the reader. At the beginning it seems effective, it appears to lend an atmospheric unity to the story, something stark and Greek. But as one reads on one becomes aware of a slight sensation of dullness, a sensation which never grows to any appreciable proportions, but which is nevertheless present in sufficient quantity to prevent a very intelligent novel from ever achieving a finally powerful effect. The pathos of Adrienne's tragic fate is, of course, communicated; but is it not reasonable to suppose that that pathos would be sharpened and made more subtle if the author had shown himself aware that his poor heroine was also, after all, a trifle ridiculous?

M. Green's icy forthrightness, his horror of irony, is but one aspect of an artistic temperament that might be termed "contractive" as opposed to "expansive." He is himself a victim of the puritanism he deals with. He narrows his scene, reduces his characters, bounds his locale. He is not satisfied until he has sharpened all his characters to a point. When he succeeds in showing a monomania he is happy. The emotion his books generate may be illustrated by the image of a cone-shaped maelstrom into whose infinitesimal apex we are painfully sucked. The "expansive" psychological novelist, on the other hand, prefers to achieve his effects by a radically different method. If he is dealing with a monomania, as Balzac does with Père Goriot, he prefers to emphasize the dread character of that mania by contrasting it as richly and as powerfully as possible with as many aspects of life as can be secured in the texture of the novel. The tragedy of Goriot is rendered doubly terrible by the breath of hope and worldliness contributed by the figure of Rastignac. His weakness, his pathetic dependence on his daughters, become almost unbearable when we are brought face to face with the gigantic power urge of Faustin. Each passion that Balzac represents is subtly related to each of the others. What at first appears to be a pattern of plots and subplots related only by the accidents of repeated characters and interwoven action eventually reveals itself as a complicated machine in which each part aids the other to produce a given result, a given emotional effect.

To say that M. Green eschews the expansive method is perhaps merely to say that he still feels himself incapable of handling the enormous masses of life which are the substance of Balzac's novels. Yet he seems, like Mr. Wilder, possessed of so many brilliant talents that one desires rather to see him fail in tackling a large problem than to see him achieve a narrow triumph in the solution of a small one.

CLIFTON P. FADIMAN

## Stonewall Jackson

*Stonewall Jackson: The Good Soldier. A Narrative.* By Allen Tate. Minton, Balch and Company. \$3.50.

THOSE who are familiar with the distinguished work of Allen Tate in the fields of poetry and literary criticism will not be surprised that he has proved himself able to write an excellent historical narrative, or that he should have turned for the purpose to some of those events which made the great struggle of 1861-1865 so memorable. His interpretation of that struggle, and of the character of one of the most picturesque participants in it, will be novel and interesting to many of his readers.

"Stonewall" Jackson, whose real name, Thomas Jonathan, better renders the sound of his character, is chiefly known to the Northern public as the hero of a scarcely authenticated adventure which in its passage into the state of myth has preserved for us the fact that Jackson was a gentleman and that Barbara Frietchie had gray hair. Mr. Tate is concerned not with this pleasant story but with the singular character of the general who made things so unpleasant for the administration of the Northern half of the United States during 1862. Mr.

Tate's narrative method of presenting his hero is an admirable one, and the fact that the author has achieved his effects without sacrificing historical accuracy makes the resulting book valuable as well as attractive. I do not mean to imply, in saying this, that Mr. Tate and the reader will agree upon all points either of fact or of interpretation, but merely that no facts have been garbled for the sake of making a point about General Jackson.

Mr. Tate has done well to include in his introductory chapter a glance at the causes of the Civil War, even though it is true that Stonewall Jackson, like many another Southern general, was not particularly concerned with them. And it is good that Mr. Tate, a Southerner by birth as well as by sympathy, has retained sufficient Southern courage to write of the terrible rift among these States from the Southern point of view. Until recently it has been difficult for the average reader to form any real impression of what was going on in the 1850's and 1860's, largely because so many Southerners have been trying to prove that they were good Unionists all the time. And Northerners have very rarely, except in works beyond the patience of the man in the street, gone into the political and economic background of the Civil War with an open mind.

Although I do not entirely agree with Mr. Tate's theory that the attitude of the South was based upon a desire to uphold the Constitution and that the attitude of the North was based upon a desire to destroy it, I think he has done well to suggest that the South was not, in its actions, any more revolutionary than the North. The Constitution was a pretty loosely interpreted instrument in which either side could have found, and indeed did find, plenty of excuse for everything. The reason the Civil War came when it did was that two types of capitalist society were struggling for domination, and that the South had come to see, in the expansion of the nation to the westward, that, whatever might be stated in theory, industrial society would naturally extend itself and that slavery would not, the latter being only practical under peculiar conditions—conditions which did not prevail in the greater part of the territory of the United States. The South, realizing that it must win its battle before the natural spread of Northern capitalism choked it to death, did, politically at least, play with the idea of revolt as early as the North did. In that sense both sides were equally to blame for the precipitation of hostilities, although of course the idea of secession did not originate in the South.

Stonewall Jackson, as Mr. Tate shows, like General Lee, had little or nothing to do with the events leading up to the Civil War. He was not a believer in slavery, but he was a believer in the state of society with which he was familiar and in which his great ambition was bound up. He entered upon the war, like Lee, as a defensive measure, and his battles against the Northern armies were in the nature of a crusade. He did not like war, but he knew how to fight it. He was by nature and by study the greatest master of tactics yet produced on this continent. During the short time allowed him to exhibit his skill he made things very difficult for the strange gentlemen of the North who were wearing uniforms at the time. Two of the great disasters to Northern arms, the Second Manassas and Chancellorsville, aside from the fact that there was a large measure of incompetence on the part of the Northern commanders, were directly traceable to Jackson's skill and boldness. If the second of these had not also been a personal disaster for Jackson and cost him his life, who knows what might have been the result of his continued operations in the area of war?

Mr. Tate's book about this extraordinary, cold, quiet, ambition-driven man has both freshness and feeling and is well written. I should add that he is to be complimented on the skill he has shown in the difficult task of describing the actual movement of General Jackson's battles.

RAYMOND HOLDEN

## Books in Brief

*France is Full of Frenchmen.* By Lewis Galantière. Payson and Clarke. \$2.

Peabody Wise, Rotarian tourist in France, is a cross between Loreley the blonde and Mr. Babbitt. He is compounded of just the proper amounts of misinformation, Puritan conventionalism, hypocrisy, stupidity, and bad grammar to cause a hearty laugh. For one reader at least the laugh rarely comes off. The book is like a warm cocktail. But for those who want to be superior to the other tourists, reading this book is a cheap and easy way.

*Feudal Germany.* By James Westfall Thompson. Chicago University Press. \$5.

Though clearly intended for use as a textbook, this imposing study of a field much neglected by American medievalists has a value transcending the schoolroom. Particularly praiseworthy is Professor Thompson's clear explanation of the complicated and highly important series of wars from the ninth to the twelfth century which resulted in the recovery of three-fifths of modern Germany from the Slavs. One regrets that the author should have seen fit to devote so little of his conscientious scholarship to a clarification of the social and economic life of the medieval Germans; much of the volume, with its careful consideration of purely military, political, and dynastic problems, seems to have been written in a pre-Beard age.

*Anatole France et Jean Racine, ou la clé de l'art francien.* Par Gabriel des Hons. Préface de Charles Maurras. Lettre de Pierre de Nolhac. Paris: Armand Colin. 1927.

Even careless readers of Anatole France have no doubt noticed his tendency to extol the delicate seventeenth-century dramatist, and to honor him with that even sincerer form of praise which consists in repeating him in distinctly labeled quotation and in obvious reminiscence. But it appears from the interest which Monsieur des Hons's book has excited in cultured circles throughout France that before his study appeared even the best-furnished scholars had not suspected how thoroughly steeped and saturated in Racine the great ironist of yesterday had become. Admirers of the Master who have grown disgusted with the libations of dishwater which have since his death been so lavishly poured out to his memory will welcome a tribute to him which has some documentary value.

*Culture.* By G. Elliott Smith and Others. W. W. Norton and Company. \$1.

Did the Indians learn the rudiments of their civilization from Melanesian boatmen, Chinese voyageurs, African sea-travelers, or refugees from a vanished Atlantis? It is an old argument among anthropologists. In this small volume of the New Science Series G. Elliott Smith, apostle of Diffusion, reiterates his dogma that all culture spread from Egypt; Bruno Malinowski refutes him with almost equal doctrinairism; and Herbert J. Spinden displays the spirit of popular science at its best, sifting for the layman the evidence which leads most anthropologists to give pre-Columbian America the credit for inventing its own civilization.

*The Tibetan Book of the Dead.* By W. Y. Evans-Wentz. Oxford University Press. \$5.50.

"The science of death," according to the teachings of esoteric Lamaism. It is very important that the text which this book translates and comments upon should be recited in the ear of the dying Tibetan. If he is able to attain final liberation and Buddhahood, this text will show him how; but if he has to come to existence again, it will guide him during the forty-nine days that must elapse between death and rebirth so that he may obtain the best possible state in the new life. As a document of mystic belief and practice it is of much interest to students

of religion. We suspect, however, that it will find its chief sale in the shops that pander to the taste for occultism.

*The Last Judgment.* By J. B. S. Haldane. Harper and Brothers. \$1.

Mr. Haldane again ponders first and last things. The author of "Daedalus" now offers a "scientist's vision of the future of man." On the last page, forty-one, the judgment promised is given: it seems that "man's little world will end." But the scientist is not certain whether or not man will end with this. This, perhaps, is a problem.

*Social Currents in Japan, with Special Reference to Newspapers.* By Harry Emerson Wildes. University of Chicago Press. \$3.

Japan's vernacular press, born under foreign sponsorship has reflected the growing national self-consciousness which expresses itself, like Bill Thompson of Chicago, in childish anti-foreignism. Mr. Wildes traces the course of this nationalism and the development of pretty and ugly phases of Western journalism, through the brief history of Japan's newspapers. He finds the press well shackled by its government. He is a sociologist; perhaps he is more shocked than a journalist used to the ways of European governments might have been.

## Music "Israel"

THE production of "Israel" by the Neighborhood Playhouse represented an attempt to project on the stage the idea of atonement which for Bloch was the basic idea of his music. In the music itself several elements can be distinguished. There is, for one thing, the mere ebb and flow of movement, which conveys the ebb and flow of an emotional drama of struggle and aspiration. There are, further, the rhythms and form that articulate and shape this movement. And there are the sounds themselves, which are one means of giving significance to the rhythmic and formal patterns and which, by their nature, make the emotional drama a drama of the Jews. In translating this drama in terms of the stage Miss Irene Lewisohn reproduced the ebb and flow of the music.

### AMUSEMENTS

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that of bodily movement; used the rhythmic and formal patterns of the music to articulate this movement; and, as the sounds of the music suggested, gave significance to the patterns with a particular dramatic scheme of atonement.

The object was to illuminate the music, to add a dimension by which would be made explicit the "values in the original conception so suggestive of drama and color and movement." It is true that the appeal to the eye is stronger than the appeal to the ear. The ebb and flow of bodily movement, then, could convey the drama more clearly than the ebb and flow of the music. The rhythms, again, given significance in the orchestra pit by mutually consistent sounds and instrumental colors, could be identified more easily on the stage by the movements of individuals and groups, especially since they could be spaced out. And with all the clarity of individual line the counterpoint of rhythms could be richer on the stage, since the same rhythm could be created simultaneously by different movements. It is also true that the additional dimension is the more necessary for the fact that the thematic substance of the music works itself out not in the self-sufficient cyclical pattern of the symphony but in the sequential pattern that is characteristic of the stage; and that a dramatic scheme could give it greater coherence and unity. On the other hand, it must be noted, though not as an objection, that as much would be taken away from the music as would be added. Inasmuch as the eye would gain particular movement the ear would lose abstract, universal movement. This is not an objection, because it is always true; music alone always suggests more than what can be seen, and in entering a combination it accepts a general limitation which may not be made into an objection to the particular combination.

So much for the intention. In fact, Miss Lewisohn's production was magnificent in conception and, with the exception of a few confused moments, in execution. If it did not attain complete success that was because of the paradox that music which invited translation did not lend itself entirely to such translation. Had the drama been created independently in plastic terms it would undoubtedly have been shorter. Instead, notwithstanding the statements to the contrary of two of the gentlemen who parade their omniscience in the newspapers, the action was correlated with the music complete and accurate to the last note; and the music turned out to be too long and repetitious for the single dramatic idea of atonement, which so limited the range of the action that there had to be a great deal of repetition, or of what must appear to be repetition to those who, seeing it for the first time, could not appreciate the changes in the significance of the movements. There was, in other words, only too much of a good thing.

B. H. HAGGIN

## Drama

AS light summer diet "The Happy Husband" (Empire Theater) is quite successful. Billie Burke and a very pleasing cast make it a smart and, at times, highly amusing piece. Through three acts—through lovely moonlight walks in the garden, cocktails in the drawing-room, bridge, and all the other sophisticated activities of a fashionable week-end party—there lurks the suspicion that one of the guests, a notoriously accomplished seducer, has made one or possibly several successful conquests. It is not until the curtain line that the frightful suspicion is relieved and one learns that his score was zero.

W. P. M.

"The Blackbirds of 1928" (Liberty Theater) lack the vibrant motion and chatter which Florence Mills called forth when she led the flight, but they have a lively rhythm and a merry call nevertheless. Bill Robinson is superb in his tap-dancing number.

M. G.

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# International Relations Section

## News Are Scarce in Haiti

By L. J. DE BEKKER

**T**HE news are scarce" was the ancient formula with which the country correspondent was wont to excuse the smallness of his weekly budget of personal items for the newspaper. Similar reports must be mailed from Port au Prince to the offices of the Associated Press, the United Press, the International News Service, and other news organizations having their headquarters in New York. But the news is there if these expensively staffed buyers and sellers of news would only take the trouble to get it.

It cannot be doubted that their Haitian correspondents know news. For instance, the Associated Press has long been represented by Captain Craig, U. S. M. C., former Marine Corps publicity man, who as chief of police of Port au Prince ought to be in a position to know what is going on. H. P. Davis, who writes books about Haiti, and shares the literary skill of his brother the playwright, could tell the United Press a lot of things. Perhaps one reason they don't tell us what is going on is that General Russell, High Commissioner in Haiti (an office with no legal status either in Haiti or the United States), has intimated to them that "no news of a political nature can be sent out." But what news in Haiti isn't of a political nature?

For example, no newspaper in America has been informed that Haiti has a new Court of Cassation, the highest court of the erstwhile republic. Formerly membership in this tribunal was for life. The tenure now depends upon the good-will of General Russell, with nominal terms of years.

New faces on the bench are those of Montferrier Pierre, Leon Montès, and Francis Segado, who will serve two years if General Russell approves their methods; Dupont Day, who may serve four years; Delabarre Pierre-Louis, six years; Emmanuel Beauvoir, eight years. Of the old court the following minority has been retained as having shown a friendly disposition toward Marine Corps rule: Emmanuel Echéart, Fléchier Anselme, Eugène Décatrel, P. C. Surin, and Daniel Appollon. The old Tribunal de Cassation was highly respected in Haiti, but it was greatly disliked in the Marine Corps because it would not obey orders. There is no doubt that the new court will. A further mark of progress—in the dissolution of America's second oldest republic. The old court sometimes gave decrees involving awards of money, as all courts do. In review of these judgments sat the American Financial Adviser in Haiti, who declined to pay out money without the O. K. of the High Commissioner. But the main object of the new court will be to prevent the paying out of money to Haitians.

Franklin D. Roosevelt must have been wrong when he admitted in a public speech that the new constitution he had written for Haiti was the best ever. General Russell has found it necessary to amend it in many ways, and to give these amendments a semblance of legality he ordered a plebiscite, although a plebiscite under martial law is obviously meaningless. The election was a great holiday. The Department of Public Works placed all its trucks at the service

of the citizens of Haiti who could be depended upon to vote the right way, and let them vote as often as they pleased, so that a glorious victory resulted for the American Occupation. Thus the Haitians, who were "too illiterate" to be permitted to vote for President Borno, became sufficiently educated within a year to seem to ratify the destruction of the last poor safeguard of their liberties.

Their reward will follow quickly. The new Tribunal de Cassation will pass upon the litigation arising from transactions in land. The Roosevelt constitution made it possible for foreigners to acquire lands. The Marine Corps has been handing out concessions for agricultural developments, and the holders of these concessions are already busily engaged in gobbling up the best of the sugar fields having already acquired more than 175,000 acres in the Artibonite Valley. In most cases land is not purchased outright. A lease is all that is needed. The lease provides that a 6 per cent rental shall be paid upon an approved valuation *provided that the lessor can prove title to the land*, the lessee otherwise to retain possession of the property without further payment.

But most of the arable and other land in Haiti is held by peasant proprietors. There is no record of deeds because there are no deeds. No lessor can prove title under such law as the Marine Corps will understand, and when it comes to a showdown in the new Tribunal de Cassation the peasant proprietors will find that they have given up their birth rights for one year's rent on a 6 per cent basis, and will be lucky to find work at a gourde a day (twenty-five cents American) on what had been their own property, inherited from father to son for more than a century previous to the American occupation.

For the kind of labor they will be required to perform they could get \$3 a day in Cuba, \$2.50 a day in the Dominican Republic, and \$2 a day in Porto Rico. But High Commissioner Russell thinks there will be plenty of work for 2,500,000 Haitians in the 10,000 square miles of Haiti, and so passports will not be issued to these peasant proprietors who will become laborers on their former possessions or find themselves in the chain-gangs.

It is not surprising that the news-gathering associations have not thought it worth while to record the advent of a new supreme court in Haiti. Its significance has been developed in this article along economic rather than political lines, but there is an American political side to these events. Senator King of Utah has a resolution pending in the United States Senate providing for an inquiry by which the facts can be brought to light. Those who want the facts brought out may write their Senators and say that the King resolution should be adopted.

It is often difficult, of course, to divest news in Haiti from politics, and that is why the Associated Press and the United Press appear to have overlooked such matters as The murder of the son of the proprietor of the most important hotel in Port au Prince by a senior officer of the Marine Corps; the murder of a president of the Chamber of Commerce by a drunken marine; the murder of a decent workman in the streets of Port au Prince by a marine "who had lost his reason."

An inquiry under the King resolution might make it clear to the American people why the Haitians are so ungrateful as not to love us.



## The Haitian Situation

THE Foreign Policy Association sent out a news résumé of the Haitian situation under date of April 27, reading in part as follows:

In his annual message to the Haitian Council of State, on April 17, President Borno announced, according to reports, that he would retire in 1930 and that the United States would withdraw in 1936. Has another dictator abdicated? Will the United States evacuate? These are the questions which the report raises.

In 1915 President Guillaume Sam went on a rampage and caused 200 prisoners in the Haitian jails to be massacred. He sought refuge in the French Legation, but the irate relatives of his victims violated this sanctuary and tore Guillaume Sam to pieces. The upshot was that the United States intervened.

In order to regularize our position, we induced the Haitian Government to sign a treaty in 1915 turning over to us the administration of the country except the judicial system, education, and local government. In 1917 the life of this treaty was extended until 1936. Although President Borno and his cabinet are the titular heads of the government, the United States now governs Haiti through a High Commissioner and five "treaty officials"—the financial adviser and general receiver and the heads of the gendarmerie, public works, the *service technique* (or agricultural department), and a medical service. The High Commissioner is General John H. Russell, and three out of the five "treaty officials" are officers of the marines. Altogether there are about 100 Americans in the Haitian Government, in addition to a brigade of marines. The financial adviser is technically responsible to the Haitian minister of finance, while the American heads of the gendarmerie, public works, and medical service are theoretically responsible to a Haitian minister of the interior.

Through these 100 officials and the brigade of marines the United States has restored order, abolished the petty exactions of officialism, straightened out a dismal financial situation, built up public works, and improved the health of the Haitian people. While it has done nothing for general education, it is building up effective agricultural schools.

However, there is a debit side of the ledger. We have sent to Haiti honest men—men who know how to maintain order and keep accounts. But we have not sent to Haiti statesmen—men who thoroughly sympathize with Haiti's aspiration for independence, who understand how to train a people to be free. The system which we have installed may be efficient but it is not educational. The Haitian cabinet is composed of idle ministers, and President Borno is everywhere regarded as America's marionette. The Haitian minister of finance has less responsibility in the administration of revenue than the unlettered Negro treasurer of a native state in a British colony in Africa. Apart from the "assistance" rendered by marine advisers, nothing has been done to improve local self-government. While orders are given in the name of the President and while laws are passed by a dummy Council of State, the initiative comes from the Americans. If the Haitian Government does anything it is to obstruct.

For a century the Haitian people had a legislature and the right to vote. But in 1915 the doors of this legislature were closed by American marines and they have not been opened since. A Council of State elects the President and the President appoints the Council of State. There is no popular election and the United States marines permit no revolution. The result is dictatorship. In defense of this situation, American and Haitian officials state that elections in Haiti are impossible because of the illiteracy of the people. Yet in January, 1928, the people solemnly voted upon a set of constitutional amendments

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Next Week

### Edna Ferber

describes the kind of world  
she would like to live in.

which were "adopted" by the overwhelming majority of 176,000 to 3,300. The United States assisted in this election by placing trucks at the disposition of the Borno Government to take voters to the polls. If the United States insists on "fair" elections in Nicaragua and elsewhere in Central America, is it unreasonable to ask why in the one country, where it is in the position to secure such elections, it should be a party to a jocosse fraud?

Although the treaty of 1915 gave the United States control over administration, it did not—a well-nigh fatal omission from our standpoint—give us control over the Haitian courts. When the police arrest a man, the Haitian courts may let him go; when a Haitian refuses to pay a bill assessed by an American official, the Haitian courts may refuse to enforce judgment. Appointed for life, the Haitian judges have not hesitated to use their power to enforce what they regard as the constitution and the laws. In some cases they have acted perversely, in other cases they have had equity on their side. A short time ago some goods belonging to Syrian merchants were damaged by rain while in the custom house. The owners requested the American financial receiver to pay damages. But he peremptorily declined on the ground that he was liable only in case of theft. The Syrians took the case to the Haitian courts who awarded damages of \$653. The American receiver still declined to pay.

In an effort to legalize his position and extend his powers, President Borno drafted amendments to the constitution in June, 1927, which forbade the courts from interpreting any law, and which provided that Borno could be reelected and that the judges could be appointed for a term of years instead of for life. The State Department at Washington struck out the proposal to make Borno reeligible and to make the courts impotent. Nevertheless the amendments finally put to "popular" vote in 1928 extended the presidential term to six years, authorized him to remove all present judges, and to appoint new ones for terms of seven and ten years; they also in effect authorized the government to suppress freedom of the press and the jury system. All these amendments had by implication the approval of the American authorities.

Finally there is the question of the land. While some Haitians have valid titles, there are thousands of peasants who merely squat upon public land. In most countries undisturbed possession gives title after a term of years; but not so in Haiti, where a law provides that prescription shall not run against the state. Upon entering Haiti the United States brought about a constitutional amendment authorizing foreigners to acquire land. A few years later, the American authorities went out of their way to interest American capital in sisal developments there. Concessions to half a dozen sisal estates have been granted as well as a contract providing for the irrigation of the Artibonite valley. All of these concessions seem to ignore the rights of native "squatters," who may be dispossessed despite the fact that their families may have inhabited the land for generations.

R. L. B.

## Contributors to This Issue

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